

# A MEMORIAL

FROM THE ENGLISH

## PROTESTANTS,

FOR THEIR HIGHNESSES THE

### PRINCE AND PRINCESS

O F

## O R A N G E.



T cannot be unknown to Your Highness, that the *Protestants of England*, that are Faithful to the Principles and Doctrines of their Religion, and to the just, Established, legal Government, are in divers kinds most intollerably vexed and oppressed by the *Pope's* Contrivances and Practices, covered with the pretences and name of Authority.

That (\*) Illegal things are daily imposed upon them, in their several Stations and Places, which they are convinc'd in their Consciences, can never be justified unto God or the Kingdom; and yet they are pressed upon them (without regard to their Consciences) by loss of their Offices and Employments, and many other threatened Effects of the Kings displeasure.

(\*) The Instances herof are too many to be recited; but some thereof are these, viz.

1. Most of the *Protestants* are pressed to declare for a Repeal of all the Laws made for the Reformation of our Religion and its settlement.

2. All the *Subjects* are forced to submit to Serve and Obey those that are no lawful Judges, Sheriffs, Justices of the Peace, Mayors, Lords Lieutenants, and other Commanders, and all are

Threatened, Vexed and Prosecuted, (as the Lord Lovelace now is) that dare but say that such have no lawful Authority.

3. All the *Subjects* are commanded to suffer all the Actions and Offences of their Lives, and the secrets of their Hearts to be searched into, and their chief Interests and many of their Free-holds to be judged by the discretion of a few of the Kings Creatures, called, his Commissioners for Ecclesiastical Affaires, whose Commission is, to proceed without and against the Rules of our Laws, with a non obstante to all other Laws, and every Man is required to assist their Arbitrary Powers on peril of their Censures, which extend to imprisonment for Life.

4. All our Ministers are required under grievous menaced Penalties to be the Kings Cryers, to Proclaim in the Churches the Kings Power to suspend at once the force and use of all our Penal Laws made in 400 Years past to secure the Rights of the Crown, the freedoms and properties of the Realm, and the profession of the Protestant Religion.

5. All the *Protestants* are forced by fear of the Kings Wrath, to suffer the Rights of the Crown and the freedom of the Realm against Foreign Powers and Laws, to be publicly denied, and the force of Foreign Laws over them to be maintained, they are enjoined by the King to neglect their sworn duties to God, to the Crown and Kingdom, of prosecuting at Law those Treasons which they know and see to be daily committed, for which no excuse can be made by pretence of Liberty of Conscience in Christs Religion.

6. The Constables and other Officers throughout the Realm are forced to quarter Irish and Scots and other mercenary Souldiers in their Neighbours Houses against their Wills, in contempt of the Ancient Laws and the express Words of the late Statutes.

7. All the Gentlemen and Free-holders are pressed to renounce their native and legal freedom in their choyce of Members for Parliament.

8. The Freemen of the Cities and Towns are urged to yield up to the Kings Will the Tenure of their Magistracies, and all their free Customes and Priviledges.

9. All the People are forced by fear of Punishments, to suffer a Child to be declared Heir apparent of the Crown, which ought not by the known Laws of the Kingdom to have been acknowledged until lawful Witnesses of his Birth of the Queen had been duly published to the Kingdom, as was necessary in this case, wherein publick fame makes him a Counterfeit. Yet to their shame and grief, the People are forced to seem in their publick Prayers to present him to God as their Prince, and dare not ask who are the Witnesses of his Birth.

10. Many of their Juries are pressed to Find their Neighbours Criminals, tho' in their Consciences they think them innocent, as is notorious (amongst many other instances) in the case of those that made innocent expressions of their joy for the Justice that was done to the 7 Bishops: and many are forced to submit to be tryed in matters about the loss of their Estates, by Fines and their Lives also, by Juries returned, by secret Contrivances and Nominations contrary to the direction of our Laws, being neither of the most sufficient nor most indifferent of the nearest Neighbours to the Facts in question, nor by Sheriffs sworn as the Laws require, whereby the course of the Kingdoms Justice is perverted, and the legal Government subverted.

All these Instances are too well known to be denied by our Adversaries.

A

That

That many of their legal Liberties, Benefits, and Means of subsistence in their Churches and Colleges, are taken from them by meer Will and Pleasure, (A) and Processes and Prosecutions by arbitrary Commissioners (B) are threatened and begun against great numbers of them without their Guilt of the least Offence or Transgression against any of the Laws of this Realm.

lively hood, and Deceit incapable of any other Preferment, only for keeping to the Law, the Statute of their College and Oaths. The Suspension of near 200 Ministers in the County of Durham, for refusing to read to their People the Kings Declaration for dispensing with our Laws, &c. (B) *Viz.* The Summons of the Commissioners for Ecclesiastical Affairs to the Chancellors, Commissaries and Archdeacons of the Diocese, of most of the Bishops to return the Names of all the Ministers that did not read the Kings Declaration, wherein they transgressed no Law Ecclesiastical or Civil.

That they are debarred and spoyled of the due free (C) Election of their Magistrates and Officers in their Cities and Towns, and pretended Officers and Magistrates are imposed upon them and turned out and put in at the Kings absolute Will, as they are found ready to comply with, and serve the Popish Design either ignorantly or corruptly.

That several of the Bodies Politick of their Cities and Towns are declared to be dissolved at the Kings Pleasure (to terrify and subjugate the minds of all the rest) and the Citizens and Burghesses are thereby disfranchised, (D) and Devoided of all their good Customs, Freedoms and Privileges, if they cannot in Conscience comply with Illegal Commands, and will not treacherously surrender their legal Rights and Privileges unto the Kings Will.

Subjects legal Interests at his Will, as if the Subjects had no Property.

That the legal securities provided by the Kings and Kingdom in Parliament against the dangers of their Religion and Liberties, are by the Kings absolute Command thrown aside, and made (E) useles, by pretence of his Power to dispence with those penal Laws notwithstanding the Subjects Right in them, for the protection and safety of their Religion, Liberties, and Lives, whereby the very Foundation of all the Subjects Rights and Properties is undermined and shaken, and a New Claim is set up and maintained, that the Subjects have no Right, Property, or security against the Will and Pleasure of their Kings.

That by colour of such a dispensing Power the trust of the Kingdoms Defence and Safety by military Powers, are put into such hands as are made (F) incapable of them by many expresse Laws of the Kings and Kingdoms in Parliament, which justly give the Protestants sad apprehensions of imminent dangers, seeing themselves put into the Power of those that publickly professes to be in Union and Communion with the Church of Rome, that openly declares themselves to be the mortal Enemies to all Protestants, and that they are bound upon peril of their Salvation, to seek their Destruction, if they shall continue constant to the Protestant Profession.

That contrary to the expresse Laws of the (G) Realm lately declared in Parliament, an Army of Papists and Mercenaries is maintained, and dispersed through the Kingdom in full Peace, to the great disquiet and terror of the Protestants, and they are in divers waies constrained to receive these Souldiers into their Houses, to sojurne there against their Wills, whereby they are deprived of their Peace and Security in their Families, and of their Converse with their Neighbours and Friends, and of the advantages they might make in their waies of living.

That the King hath barred and forbidden the execution of the Antient Laws of the Realm, against divers sorts of Treasons and other most hainous Crimes; and all the Statutes now known to have been made from age to age for 500 Years past, in relation to the Popes and Romish Priests (H) Powers and Practises are suspended; tho' the Experience of the Papists in all those Ages shewed those Precepts and Practices to be so mischievous and dangerous, that they often complained in Parliament, they feared the (I) Destruction of the Kingdom by them.

(1) See the Statutes 35 Ed. 3. 25. Ed. 3. 27. Ed. 3. 16 Ri. 2. 5.

His Majesty also so Controuls the Courts of Law in the Course wherein Justice ought to be administered, that the Judges (tho' they have highly served the Popish Designes,) are turned out of their Places, Honours and Pensions, if they dare but suffer the Laws justly to acquit those whom the King would have condemned, as appears (amongst divers other Instances) by his late displacing Judge Holloway and Judge Powell, upon the legal acquittal of the seven Bishops.

*Viz.* (A) The case of the Lord Bishop of London suspended. Of Doctor Peachel Vice-Chancellor of Cambridge, and Master of Pembroke-Hall deprived. Of Doctor Hough, and 26 Fellows of Magdalen Colledge Oxford, besides the Demyes outed from their free-hold and

(C) The City of London and all the Cities and Towns Corporate of the Kingdom are sad instances of this, the King alone setting up whom he pleases to have the Names, and use the Powers of their formerly chosen Magistrates.

(D) So the King hath done to the ancient Cities of Oxford, Winchester, and the Borough of Totness, now threatens to do the same to the great City of Norwich, or something tantamount, whereby he assumes to dispose of the

(E) The late Statutes of 25 and 30 of Car. 2, were made expressly for the Protestants Security, so were those of 5. El. 1. 13. El. 2. 23. El. 1. 27. El. 2. 1. Jac. 5. Jac. 1. and the Stat. 25 H. 8. 19, 20, 21. and many ancient Statutes of Ed. 1. Ed. 2. Ed. 3. Ri. 2. and many other Kings, were made to secure the People from the apprehensions of the Church of Rome; and the King hath declared that none of them shall at any time hereafter be put in execution.

(F) 'Tis known all the professed Papists are by the Stat. of El. Jac. 1. and Car. 2. made incapable of holding any Trust or Powers in the Kingdom, and that the King hath placed the most of them in their hands.

(G) See the Pet. of Right 3. Cart. and the late Statutes Car. 2. that declare the dispossessing of Souldiers into the Country, and the quartering them in the Subjects Houses, to be against the Laws and Customes of the Realm, and 'tis Demanded and Enacted as the Peoples Right that they shall never be so burdened by Souldiers.

(H) See the Kings Declaration for Liberty of Conscience, that suspend the Execution of all the Penal Laws whatsoever in matters Ecclesiastical, those that make it Treason to maintain the Popes Powers and Cannons to be above our Laws, or to take his Dispensation of Obedience to them.



We need not shew to your Highness more particular Instances of our Oppression, since 'tis notorious, that there is a publick attempt authorized by the King to subvert the very Foundation of the whole *Civil legal Government* of the Kingdom, that is, the Peoples free Election ( in the Customary Established Course by Counties, Cities and Boroughs, ) of their Deputies to Act and Consent for them in Parliament unto all Laws to be made and repealed.

The truly Noble Monarchy was founded on equal Freedom; and the *Civil Government* of England, was always of right truly free, ( *K* ) because no Laws or Authorities ever bound the Persons and Properties of the Kingdom save only these, wherein the Kings and all the Subjects freely agreed, every Subjects free ( *L* ) consent being deemed by our Laws to be given personally, as by his Deputies to the Enacting and Repealing of every Law.

Therefore the Statutes of old in affirmance of the common Custome of England, declared that Elections should be free ( *M* ) from all interruptions and interpositions by the King or the Pope, and the Kings have bound themselves by the Statutes, no way to disturb any Electors in making their free Elections.

( *K* ) See 24 H: 8. 12. 25 H: 27. 'Tis declared that the Realm is free and subject to no Laws but by their own consent, and that the King and Parliament, representing the whole State of the Realm, have the Power to Dispenſe with the Laws as they shall see occasion.

( *L* ) See the Statutes 1 Jac: 1. 1.

( *M* ) See Stat. Westm. 1. 3 Ed: 7. The common Law is there declared, and the King bindeth himself not to disturb any Electors to make free Elections. See Car: 2 Parl: See 7 H: 4. 25. 6 H: 6. 4. 9 H: 4. 8.

No Commands, Promises, or Threats, no Prayers nor Solicitations ought to be made unto the Electors by the King or Pope, or any others: the Peoples Deputies ( say the Laws ) are to be chosen Freely, and Indifferently, without pre-ingagement of the Electors, or fear of displeasing the King, and without promises of Favour or Rewards to them. They are to be indifferent at the Time and Place of Election, and in such manner to proceed, notwithstanding any Request or Command to the contrary, otherwise the Elections are void and null:

But we are not able to number the various kinds of Attempts and Practices to overturn this Foundation of our Government.

There have been infinite Endeavors and Artifices openly used, to destroy the Customs, Privileges, Charters and Governments of all the Cities and Boroughs, by whom four parts in Five of the Members of the Commons in Parliament are to be chosen by the Custome of England; and to bring all these Bodies Politick, and all their Magistrates and Officers to be dependant on the Kings Will, and to be obliged as His Creatures (not the Cities and Towns trustees) to serve His Popish and Arbitrary Designs, or to be turned out of their Places at His Pleasure, and such as are either Papists, or more Ignorant and Corrupt put into their Places.

'Tis known to all, that for this purpose, to destroy our Government under colour of Law, there have been causeless Writs of *Quowarant* brought by the King against most of the Cities and Boroughs of the Kingdom, those were seconded by instruments appointed to terrifie the Magistrates of the Cities and Towns with the Kings severe Displeasure, if they dared to insist upon their legal Right and contest with the King at Law, to fright them with the intollerable charge, that their legal Defence would cost them more then they could bear, and boldly affirming that they could not hope to maintain their Customs, Privileges and Charters against the King, since he was resolved to have them at His Command; then they tempted them with Promises of new Charters, if they would comply and surrender their Old Liberties into the Kings Hands, and pretended that the Names of all that refused it must be returned to the Kings Attorney General.

'Tis no less known, that Judges were prepared to damn the Pleas of all such Cities and Towns as would stand upon their Right, and Plead to the *Quowarants* as the Magistrates of London resolved to do, their Common Council refusing to surrender their Liberties, notwithstanding all Commands, Terrors and Intreaties that were used to them, they knew it was not in their Power to betray their City, nor in the Kings Power to receive unto himself these Customs, Powers and Privileges which the Great Charter and the Common Law had given them. But such Judges as would not Judge that Ancient Body Politick ( that had holden their Customs above 1000 Years ) to be dissolved, were turned out; and all the Freedoms and Principles due to the Citizens and their Heirs, and to the City and their Successors, were declared by the Judges to be Forfeited; His now Majesties Instruments thereby preparing His Way ( under the shadow of the late King ) to destroy the Government of all other Cities and Towns, by frightening them into surrenders, or making a President for Judgment against them, and it hath taken such Effect, that the Term of almost all those Bodies Politick is illegally changed, and the Cities and Towns brought to such a forlorn Estate, that they have no Magistrates or Officers but at the Kings Will, and during His Pleasure.

As there is an actual subversion of the Freedom of the Government of the Cities and Towns, the Tenure of their Magistrates, and their free Customs being utterly destroyed, and those that now Exercise the Magistracies therein being incapable to choose freely, and indifferently, and to return legally Members for Parliament, so there are continual attempts upon the personal Freedom and Indifferency of all the Electors for Parliaments throughout the Kingdom.

His Majesty has personally solicited, and attached to many of them by His smiles and frowns in secret, to accept of such for their Deputies in Parliament as will comply with His Designs, that

His *Closeting* ( N ). *Electors*, is become a *By-word* amongst the People: He has made them consent to be barr'd of their Freedom in Electing for *Parliament*, and in Voting therein, if they be chosen, to be a *Test* of their Finess to hold their *Offices* and *Employments* of Profit and Trust, and to have place in the *Magistracy*.

( N ) Note that the Kings Practice of *Closeting* Members of *Parliament*, was the same as its now for *Electors*.

The three Questions to that purpose, are known to all, which His *Majesties Ministers* required to be answered by the *Justices* of the *Peace* and all other *Officers*.

The *Lord Lieutenants* of all the *Counties* by the Kings special Command, have Summoned the chief *Officers* and *Gentlemen* in His *Majesties* Name, to flatter or certify them out of the use of their Freedom in Electing for *Parliament*, and Marks of the Kings *Displeasure* have been put upon those that resolved to keep their Freedom, and indifferency to Elect worthy and fit *Deputies* according to their *Judgments* and *Consciences*.

An unheard of sort of Commissioners as to their Qualities and Instructions, are lately sent from His Majesty throughout *England*, to Delude or Affright the *Electors* into a choice of such Members for a Convention ( to be called a *Parliament* ) as will ingage to serve His Designs of abolishing all those *Ancient Laws* and *Tests* that are the only Human Securities of the free Profession of our Religion, and the clearest *Authoritative Declarations* of the Rights of the *Crown* and the Liberties of the People.

There need not be plainer Proofs, that the Ax is lay'd to the Root of our *Civil Government*, as the most certain way to introduce the *Laws* and Religion of *Rome*. Yet to convince the whole World in this matter: His Majesty has published a second ( O ) *Declaration*, wherein He has positively declared His Mind, that none

( O ) See the Kings Second Declaration for Liberty of Conscience, April 27. 1688.

ought to be employed under Him in the *Kingdom*, who will not contribute to these His Designs, and choose such Members of *Parliament* as may do their part to finish what He has begun. He has pronounced all that shall refuse it, to be neither Good *Christians* nor Lovers of their *Countries Wealth* and *Power*; and He Declares, that He has begun His intended form of Government suitable to those Principles, having turned out by His *Absolute Will* many *Civil* and *Military Officers* throughout the *Kingdom* in pursuance of this great Work.

This puts it out of dispute, that His Majesty thinks He ought not to suffer any *Free Election* for *Parliament*, whilst there are such numbers of *Faithful Protestants* to Contest for the *Elections*, who cannot in Conscience contribute to the Work He has begun; That is, upon pretence of *Liberty of Conscience* to allow His Majesty to surrender unto the *Pope* the Rights and Freedom of the *Crown* and the *Kingdom*, or to acknowledg, that the People of *England* ought by the *Laws* of *GOD* and *CHRIST* to be subjected to the *Church of Romes Laws* and *Jurisdictions* in their Person, and great part of their Estates. That the *Pope* and His *Priests* and *Canonists* should Judge them by their *Canons*, in the lawfulness of their *Marriages* and *Contracts*, and legitimate or bastard their Heirs as they please, that the disposal of their *Goods* and *Chattles* by their *Last-Will*s, their *Debts* about *Tithes*, and their *Good Names* and *Bodies* on pretence of penances, should be in their Power and Will.

This is the Work begun by His Majesty, which Dishonours and Debases the *English Imperial Crown*, and subverts the Native Freedom and the civil Properties and Interests of *English Men*.

Those are the proper Matters and Occasions of most of our *penal Laws* in matters *Ecclesiastical*, to prevent the Fraud and Danger of *Holy pretences* for such *Unrighteous Attempts* against our natural and civil Properties.

Our *penal Laws* are to punish Offences against the *Civil Government* and *Humane Society*, tho' they be about matters *Ecclesiastical*, the subjects of *England* cannot pretend to be exempted from them, because of their Consciences, any otherwise than they may wickedly claim to be free from the *penal Laws* against *Felonies* and *Murders*, if they shall plead that they Robbed or Killed according to their Consciences.

His *Majesties* avowed Intent and Endeavours are to free the *Emissaries* of *Romes Priests* and *Papists* from the punishments and dangers of those our *penal Laws*, against such manifest Attempts, upon the Freedom, Rights, and Properties of the *Realm*, that His new Erected *popish Colledges*, His *Convents* of *Monks*, His four provincial *Bishops*, and His numerous *Priests*, may be authorized by Him without force of *Laws*, to maintain the *Church of Romes Canons* to be of greater Authority then the *Laws* of the *Realm*, to Declare all the Power of Magistracy in *Protestants* Hands to be Unlawfull, and all Right and Title to their Estates forfeited to the *Papists*, by their being *Protestants*, to own and justify Dispensations from *Rome*, with their Obedience to all such *Laws* of the *Realm*, as the *Pope* and His *Priests* dislike, and professedly to hold Communion with the *Church of Rome*, the *French King*, and all *Foreign Papists*, that declare themselves *Mortal Enemies* to the Religion and Power of the *Protestants*, to contrive with them the Suppression or Extirpation of them out of the *Realm*.

This



This work, his Majesty hath so far begun, that he hath suspended and stopped the Execution of the Penal Laws against all the High Crimes, some whereof the ancient Papists of this Kingdom made Capital; and he declares all such Protestants as will not help to finish it, not to be qualified as Christians or Englishmen for any Employment in the Kingdom, and therefore least of all to be Members of Parliament. Hereby his Majesty attempts to Confine the Electors in their Choyce to so small a party that he allows them not the choyce of one of forty whom our Laws make capable of being Elected for Parliament, the Number is so small (professed Papists Excepted,) out of which his will is to have Members of Parliament chosen, that our Laws will judge it no choice if he can impose his will upon the Kingdom as he hath declared it.

Hereby your Highnesses may be satisfied, that our case is deplorable, it seems not sufficient for our Popish Enemies to seek the abolition of all our ancient Penal Laws that are not agreeable to those new invented Doctrines and pernicious practices of the present Church of Rome, which the Penal Statutes shew to have been abhorred by our ancient English (p) Papists, but their design is to destroy the Constitution and forme of the free Government of the Kingdom, from whence arose all those Penal Laws against their Churches proud Domination and their Usurpation of the Rights of the Crowne and the whole Realm.

They know by our Histories and records, that the free Parliament always made the Complaints from age to age against their pernicious claymes of power over our Kings, our Laws, our Courts of Indicture, and their Judgments; and against their Exactions, impositions, Frauds and Delusions of the People, with their Superstitions folly, whereby they gained a Q. See the Parliament rolls 4 H. 4 1. H. 5.

(q) third of the revenues of England, and drew so much Money to Rome that they impoverished and almost ruined the Kingdom. They are sensible that they have been able to inflave to the Pope and Priests several of the greatest English Kings, that they could prevail with the King for Licences and Pardons to them to transgress the Laws that the Parliament made to preserve the subjects Rights and property, and that the Parliament onely caused new Laws to be made for declaring such (r) Licences, Dispensations and Pardons of the Kings Voyd and Nul.

They know that they have perswaded several of the Kings that the Pope could absolve their Conscience from all obligation by the Laws, and from Agreements, Promises, and Oathes to their Kingdom, (s) to maintain their great Charters and all their Laws and Liberty; and that they prevailed upon one of them to resign the (t) Kingdom intirely to the Pope, and to hold it of him by rent; and they undertand that the People in free Parliament only made and declared all such Dispensations and resignations Voyd and Nul, and justly required those Kings to renew their Oaths to the Kingdom to preserve their Liberty; and scorned (with indignation) the Popes demands (v) of his Pretended rent for the Kingdom, declaring that their Kings had no such Patrimonial right in the Kingdom to subject it to any powers on Earth.

They cannot hope that a freely chosen Representative of this Kingdom can suffer such a delusion to be put upon them to be perswaded that due Christian Liberty of Conscience requires them either to allow the foreign Romish Laws or Canons to contest for power and place with the Laws of England, or to suffer any of the subjects of England openly to profess themselves, their Persons, Marriages or Estates to be subject to any foreigners jurisdiction, and to depend on their Authority, Offices, and Sanctions, and the Exercise of them for their Eternal Salvation (which is in truth to renounce their subjection to England) or to own and avow to have the nearest Union and Communion with foreigners, that openly profess themselves Mortal Enemies, to more then a hundred to one of the whole Realm, and to be bound in Conscience to seek their suppression or destruction.

They cannot think that a free English Parliament should not always know that no Doctrines of Iesus Christ ever destroyed or changed the Natural and Civil right of any person or Nation, or allowed that any part of the People of a free Country should correspond with or depend upon the declared enemy of the far greatest part of it, they have therefore resolved to over-turn the very foundation of our Civil Government, the Peoples free Choice of their Deputies for Parliament, that there may never be a free Parliament more in the Kingdom, which is a Plot much worse then their Gunpowder treason.

It seems they think it Safe as yet to keep a shadowe of Elections for their intended Convention, by forming Bodys Politick of Citty and Townes to name or returne whom the King pleases, and by the specious name of Liberty of Conscience, with Promises of Favor and Threats of Displeasure, to deceive or affright the other Electors to accept of those for their Deputies that the King shall offer; but if this Attempt upon the Prime Fundamental of our whole Civil Government shall be suffered, the King may hereafter with as much Justice, Law and Reason, call whom he pleases from any parts of the Kingdom to Consult with, and in the Name and under Pretence of their Advice, change our Laws and Customs, impose Taxes, and Alter at his pleasure the (w) Succession of the Crown.

by his Letters without Election and called them a Parliament, and made Acts, and intended to have changed the succession of the Crowne to his own family, if those his Creatures could have agreed with him.

P. See the grievous complaints of the Commons in 25 Ed. 3. 4 provisos, and 6 Ric. 2. 5: 27 Ed. 3.

R. See the St. 3. H. 5: St. 4. 7 H. 4. 8.

S. So the Pope absolved H. 3. and Ed. 1. from their Oath to keep the great Charter.  
T. King John made.

V. See the Roll. part. 40. Ed. 3: num. 8. Rot. Claus. 3. Ed. 1. cala K. Johns Charter and grant to the Pope a most unjust and forceless charter; Since burnt.

W. Note that Cromwel took upon him such a power to send for men

We must with Sorrow shew your *H<sup>ts</sup>*, that they have so far prosecuted this their *Design* against our Government, that they have rendered it impossible to have a *Legal Free Parliament* Elected and returned in the present *State* of the *Cities* and *Boroughs*, the *Sheriffs* and *Officers*, and the *Condition* of the *Electors*, great *Numbers* of them are quite barred of their *Freedom* and *Indifferency* to elect, which our *Law* requires by the declared *Displeasure* of the *King*, and the threatened and certain *Loss* of their *Offices* and *Employments* and *Benefits*, if they accept not of such for their *Trustees* as have unworthily resolved or promised to *Vote* against our *Established Laws* as the *King* will have them, without hearing the *Reasons* about them by the *Kingdom* in *Parliament*, and as we believe, without knowing the *Intent* and *Purpose* of the *Laws* they promise to abrogate.

'Tis not now practicable to have the *Legal free Consent* of the *Kingdom*, unto the making or repealing of any *Laws* (without which they cannot be obligatory) until there be a just *Restoration* of the *Customs* and *Liberties* of the *Cities* and *Boroughs*, which have been illegally and treacherously surrendered, or unduly wrested from them, and legal *Magistrates* shall be duly chosen to execute *Writs* for *Elections* and make *Returns*, until there be a *Revocation* of the *Kings* terrifying *Declaration* of the *unfitness* for *Parliament*, and publick *Employment* of all that will not help to finish his great *Work* begun, of destroying all our *Penal Laws* for preventing the *Popish Practices* against the *Rights* of the *Crown*, and the *realm*.

Nor until there be an absolute *Renunciation* of all the *Promises*, *Engagements* and *Subscriptions* of the *Electors* for *Parliament* taken by *His Majesties Orders* and *Ministers* to restrain their *Freedom*, and *Indifferency* in their *Elections*. Thus the cunning and *Malice* of our *Popish Adversaries* have cut off all our *Legal Means* of relief by the *Free Common Councils* of the *Kingdom*, whilst they lay close siege to take our *Bodies* and *Souls* captive.

We need not remember your *Highnesses*, that these *Attempts* and *Endeavours* to subvert our *Liberty* in our *Religion* and *Government*, is a part of that general *Design* that was formed and concluded on many years since in the most *Secret Councils* of the *Popish Princes*, chiefly managed by the *Jesuits*, to root out of all *Europe* the profession of the *Protestant Reformed Religion* and the *Peoples Liberties*.

We will not mention the notorious actual *Prosecutions* of that *Popish Resolution* in several *Kingdoms* and (x) *Dominions*, nor the treacherous *Falseness* of those *Princes* in their *Treaties*, *Agreements* and *Oaths*, nor the *Oppressions*, *Bloodshed*, and all kinds of *Unrighteousness* that have been practised by them in *Order* to that general great *Design*.

The instance alone of the *French King* is enough to be named instead of all, because he hath owned and published to the whole *World* his part in that *Design*, and by comparing the *Violences*, *Banishments*, and *Murders* done upon the *Protestants* at the same time by other *Popish Princes* (as they were able) with his publick *Confessions* of his long laid *Design*, we may make a true judgment of the whole.

The *French King* by his *Edict* (y) of 1685. hath declared, that he entered into that *Design* from his coming to the *Crown*, and it appears by the *Edict* (z) then prepared, and agreed by his *Council of Conscience* (that all his renewed *Edicts* in the *Protestants Favour*, his acknowledging and registering in *Parliament* their great *Services* for him, and his *Advancement* of many of them to the highest *Dignities* *Military* and *Civil* in his *Kingdom*, were done to flatter and deceive them, he calls *God* to be *Witness* of his *Designs* and *Resolutions* at that time to abolish their *Religion* by degrees, and that he only attended his fit opportunity for that great *Work*, as it called by our *King* and by that *Edict*.

(x) That is in France, the Dukdom of Savoy, the Kingdom of Poland, & many others.

(y) 'Tis fit to see in that *Edict* prepared as its published the opinion they have of *Protestants*. That they are deemed incapable of having any right to claime the benefit of the *treaties*, *promises* or *Oaths* made to them by the *Papists*.

In that interim of his seeming kindness to the *Protestants* and solemn professions to them and some of the *Protestant Princes*, for their observing faithfully the *Law* and *Edict* of *Nantz*, that was like the *French Protestants great Charter*, there were all possible *secret Contrivances* and *Practices* to prepare for that great *Work*, especially in *England*, that hath long been the head of the *Reformed Religion*, and the *Chief terror* of the *French King* and the *Popish World*; he shewed his fear of the *People* of *England* when he barbarously banished his now *Majesty* and the late *King* in their distress, rather than displease *Cromwell*, he therefore applied his principal *Councils* and *Endeavours* to distract and weaken the *Protestants* of *England*, and to persuade and assist the late *King* covertly to increase and strengthen the *Popish Party*; for that end his dearest *Confessor* the *Jesuite le Chaz*, was ordered to correspond with Mr. *Coleman*, that was then *Secretary* to his now *Majesty*, and the (a) *Letters* Confessed by him before *thou-*

(a) See in *Coleman's Letters*, in print published by the *Parliament* commands.

lands, shewed that the *Master* proposed was to root out of the world the *Protestant Religion* under the name of the *Northern Heresy*; and ten times more of the particulars of that wretched design had appeared if all Mr. *Colemans* latest *Letters* for two years and a half that were brought to *Whitchall*, and many called out of the rest had not been there suppressed and kept from the sight of the *Parliament*; yet Mr. *Coleman* on his *Trial* confidently avowed before all the *People* that design, of subverting the *Protestant Religion*, and that he was only a subordinate *Minister* in it.

It appears by those *Letters*, that the *French Kings* Money was to manage that *Work*, and the *Letter* brought into *Parliament* by the now *Lord Mountague*, acknowledged by the late *King* to be written by his order, prove to the world that the late *King* was content to become the *French Kings* *Pensioner* for his hundred thousand pound per annum to keep off the meeting of *Parliaments*; we had then discovered the *increase* of *Papery*, and the *Danger* of the *Protestant Religion*, and had thereupon formed the *Parliaments Test*, and were preparing other *Laws* for security against the *Popish Designs*.



It hath also been manifest to the world, that all kind of *Devices and Artifices* that the *French Councils* could invent were about the same years used to pervert the *Faith and Religion* of the *United Provinces*, or to betray them into the *French Kings Power*, or at least a dependance upon him.

'Tis now notorious to the world, that an agreement was made between the *French King* and his late *Majesty of England* to subdue and divide those *Provinces*, that they might no more be either a Support, or refuge for the *Protestants*. We crave pardon for our boldness, that we humbly appeal to your *Highness* whether your Integrity and Constancy in the *Protestant Religion*, and your Fidelity to your Countrys *Freedom*, were not about those years vainly attached by those two *Kings*, or at least by one of them, and whether the Piety, Generosity and brave scorn and indignation expressed at their proposals, did not fix an Enmity in their hearts against you, the effects whereof you have suffered ever since.

The world hath also seen the Effects of the *French Kings* prosecution of the same design to take away the support of the *Protestant Interest* by his Pensions to the Chief Men of the Kingdom of *Sweden*, and to such as he could prevail with in the Court of *Brandenburgh*, and all other *Princes Courts* that adhere to the *Protestant interest*.

Yet the Chief of his expence was upon our late *King* and his *Ministers and Counsellors*, who concurred in all the secret Practises and Contrivances to weaken the Power of the *Protestants*, and to suffer the *Greatness, Glory and Terror* of the *French King* to be advanced; but he durst never openly and avowedly join with him in the great Work against the *Protestant Religion* for fear of his *Protestant Subjects*, he having deluded them with so many solemn Protestations of his Faithfulness to their Religion and their Liberty.

The *French King* found by experience, that the *Parliaments* had prevailed with our *King*, to break all the measures that they had taken together for the destruction of the *United Provinces*, by obliging him to a *Separate Peace* with them, which had forced him to let fall his then spreading Plumes, and in crafty ways to seek and solicit a Truce, and therefore he durst not during our *King's* life put in Execution his great Work, that he declares, had been so long in his heart, that by *Torments, Murders*, and all sort of barbarous Cruelties to suppress the *Professors and Profession* of the *Reformed Religion*, and intirely to race and expunge the *Memory* of it, as his *Edicts* and his Practices now declare to be his intentions.

That *French King* durst not throw off his disguise, and shew himself to be like a ravening Wolf to his *Protestant Subjects* until our now *King* had publickly espoused the *Papish Design*, which he had together with him long prosecuted in the dark, and until he had begun to invade the *Protestant Liberties and Security*, his putting the *Military Power* into *Papish hands*, and to demand the *Parliaments* Consent to a Law (which they refused) to authorize him, to make his *Papists* the *Guardians* of the *Protestants Religion* and lives.

The *French King* then knew that the people of *England* were in no capacity to interpose in behalf of his *Protestant Subjects*, however he should destroy them, and as his *Edict* says, being by the Truce without fear of disturbance, he intirely applied himself to the great Design, he sent his *Dragoons* to destroy the *Poor Protestants Goods*, and to torment their Bodys with more cruelty and inhumanity then was ever Practised since the Creation; he resolved for his glory (as his *Clergy* told him) to shew himself the first and most illustrious of the *Churches Children*, and the Extirpator of the *Protestant heresy*, which they told him was a more solid and immortal title then he acquired by all his Triumphs.

He then presented that work of Extirpation as *Saul* did to *strange Countries*, breathing out threatnings and slaughter; he sent to the *Duke of Savoy*, and as that Court complaynes, perswaded and frighted that Prince into a most *Unchristian and Bloody Decree*, to compell the most antient *Protestants* in the *Valleys of Piedmont* to turn *Papists* forthwith, and they being faithfull to their Religion, that *Edict* was puriued by the helpe of his *Dragoons*, and the harmeles *Protestants* tormented and murdered more cruelly then the worst of the *Kermine or Serpents*, until they were utterly destroyed, and their Country given to the *Papists*. That Court of *Savoy* seems still (c) Ashamed of that horrid wickedness, and says for their Excuse, That the *French King* declared he would root out those *Protestants* by his own force, and possess the Country, if the *Duke* would not have assisted therein. (b) See the relation of it printed. (c) See Dr. Burnes Letter from his personal inquiry.

The suppression of the *Protestants* of *England* hath been always Esteemed the principal part of the *Papish* design to Extirpate the *Protestant Religion*, and therefore all the *Romish Councils, Pollicys and industries, their Conspiracies, Poisoning and Massacres*, have been long employed about it, and have perfectly gained our now *King* to serve their design: they have united him with the *French King*, that their Conjoynd *Councils, Treasures and Strength* may finish their work of bringing *England* to the obedience of their *Church*. Its many ways Evident, that both the *Kings* are under the like conduct, and our *King* proceeds in the same methods against us, wherein the *French King* hath been successful to destroy the *Protestants* of his Kingdom. His first attempt is to subvert our *Civil Government and Laws*, and the *Freedom and being* of our *Parliaments*, just as the *French King* first invaded the *Supreme Legal Authority* of *France*, which was vested in the *Assembly of Estates*, from whom alone he now derives his *Crown*. Our *King* in imitation of his *Brother of France*, strives to bring all the *Offices and Magistracy* of the Kingdom, that were legally of the *Peoples choice*, to be solely and immediately depending on his *Absolute Will* for their being, whether they arise by our *Common Law* or be instituted by *Statutes or Charters*. He endeavours by various Artifices to bring the disposal of all the *Properties and Estates* of the *People*, and their *Lives and Liberties* to be at his meer will by a perversion of the instituted course of our *Juries*, and by *Judges* and a *Chancellor* fit for that purpose, and every moment dependant on his *Will*; he seeks to make his *Proclamations and Declarations*

to have as much Power over our *Laws*, as the *French Kings* *Edicts*. And after his Example he establisheth a mercenary *Army* to master and subdue the People to his Will.

If he can prevail in these things to overturn the *Civil Government*, then the *Liberty* of the *Protestant Profession* and of *Conscience* in all *formes*, however seemingly settled by him, will be precarious, and he may as easily destroy it as the *French King* hath abolished the irrevocable *Edicts*, *Treaties* or *Laws* of his *Kingdom*, Confirmed by his *Oath*, which were as good security to those *Protestants* as any *Magna Charta* that our *King* can make for us, or any act of a *Convention* with the name of a *Parliament*, which is possible for him to hold in the *State* unto which he hath reduced the *Kingdom*.

Our *King* hath the same *French* Copy, by which he writ assuring the *Protestants* of *grace* and *Clemency*, giving them *Promises* of *Equal Liberty* of *Conscience* with his *Papists*, in preferring unto *Offices* and *Employments* those whom he resolves to suppress and ruin, preventing the *Execution* of *Laws*, and in allowing *Liberty* of *Conscience* in some notions, and the outward forms of worship in the *Christian Religion*, provided always that they have no regard or *Conscience* for the substance of *Christ's Religion* in *Justice* and *righteousness*, nor stumble at complying with him, or assisting him, in the highest *Crimes* against *Jesus Christ*, by invading the *Rights* and *Liberties* of the *Kingdom*, and assuming a forcible *Domination* to oppress whom he please, which is a subversion of the very foundation of *Justice* and *love* amongst men, and by *Consequence* of the *Religion* preached and established by *Christ*.

These matters of fact are self-evidences, and clearly shew that our *Grievous oppressions* by our *King* are the effects of the united *Councils* of the *Popish interest*, whereof the *French King* is the *Chief*. That the *Conspiracy* against true *Religion* and *Liberty* that now appears in *England*, Comprizes all the *Protestant Princess* and *States* in *Europe*; *England* is only first attacked as the principal fortress of the *Protestant Profession*, if the *three Kingdoms* of *England*, *Scotland* and *Ireland* can be reduced into the pattern of the *French King* in *Governments* and *Religion*, and the strength of them be united against any single *Protestant State* or *Prince* they shall think fit to assault, if they can by *Artifices* keep the rest divided, which will not be hard for them; for there is little hope of any long defence of such a *State*.

The *French King* seems not unwilling to have it known that the *Popish design* is General against all *Profession* of the *Protestant Religion*, tho' Especially against *England*, he hath allowed the *Bishop* of *Cosnaer* speech to him at *Verfales* in 1685. to be published, who was authorized to be the *Mouth* of the *Clergy* of that *Kingdom*; he magnifies the *King* for suppressing the *Protestants* of his own *Kingdom*, and asks what they may not yet expect, *England*, saith he, is just offering to your *Majesty* one of the most glorious occasions that you can desire; the *King* of *England* by the need which he will have of succour and of the support of your *Arms*, to maintain him in the *Catholick faith*, will make you quickly find occasion to give a protection wholly of your self. We know very well before the *French Clergy* declared it by that *Bishop* that the same head that contrived the perversion or destruction of so many millions of the *Protestants* in that *Kingdom*, designed the ruine of the *English Religion* and *Liberty*: but it surprized us, to see that speech published by the *French Kings* Authority, and that our *King* should suffer the *Translation* of it to pass freely in *England* and thorow the *World*. We thought it beneath the *Majesty* of a *King* of *England* to be content that his subjects should be told, that he was to come under the protection of a *King* of *France*, over whose *Kings*, and *Kingdom*, his *Ancestors* had so often triumphed; but it seems nothing is to be Esteemed inglorious that may serve the General *Popish design* of Extirpating the *Protestant Profession*.

We need not put your *Hs.* in mind that the same speech acknowledges that the *Popish Councils*, and *Conspiracy* against *England* intend the like ruin to the *Religion* and *Freedom* of the *United Provinces*, that *Bishop* tells the *King*, that he hath undertook the *Conquest* of new *Countries* there to reestablish the *Prelacy*, the *Religious worship* and the *Altars*, that *Holland* and *Germany* have been the Theater of his *Victories* only that *Christ* might triumph there, that is, that the *Papists* might trample upon the *Protestants* and their *Religion*, and this he speaks (as he says) in the very spirit of the *Church*, and signifies their hopes of success against the poor *Protestants* to be Unbounded, saying, what may we not yet Expect.

We must freely Confess we were too slow to believe this desperate *Popish Plot* against the whole *Protestant Profession*, and in our particular Case we have been deluded with our *Kings* promises to protect and maintain our *Religion* our *Laws* and *Government*, until we see them all undermined, and the train laid to blow them up by a packed *Convention* of men preingaged, perverted or Corrupted to serve the *Kings* will and designs, that shall assume the name of *Parliament*: we were not utterly insensible of the danger of our *Liberty* in our *Religion* and our *Government* from the time his now *Majesty* declared his late *Majesty* to have been a *Papist*; but who saw that by their secret Conjoynd *Councils* they had not been able to prevent the making some *Laws* to secure the *Protestants* by Excluding *Papists* from our *Parliaments* and all *Offices* and *Employments*, and we hoped that our *Kings* life would not be sufficient to overturn by degrees (as they had begun to proceed,) the Excellent foundations of our *Civil Government*, nor to Extinguish the clear light of the truths of *Christ* Professed in our *Religion*, and we were assured that your *Hs.* minds were clearly enlightened in the *Doctrines* of the *Protestant Religion*, and adorned and accomplished with all *Christian* and *Royal Virtues* fit to possess the highest throne.

Thereupon we encouraged each other to suffer with patience his *Majesties* attempts against our *Laws* and *Liberties*, presuming that your *Hs.* would ere long be our joyful deliverers to the Everlasting Confusion of the *Popish designs* against our *Government* and *Religion*, and to the Vindication of the innocency of the *Protestant Martyrs* in all the *Kingdoms* of *Europe*.

But as your *Hs.* were the greatest objects of our earthly hopes, so the thoughts of her *Royal Highnesses* succession to the *Crown* in Conjunction with your *Highnesses* virtues and *Military* prowess and magnanimity



nity were matters of the greatest horror and dread to all the Popish Councils of *Europe*; they have therefore applied themselves to various consultations, sometimes it hath been proposed by his Majesty's Power with a Parliament by the deluding Names of *Liberty of Conscience* and a *Magna Charta* therein to Fetter Your Highnesses in Your accession to the *Crown* with such Conditions as were obtained in Parliament in the cases of *Queen Mary* and *Elizabeth*, which they hoped to strengthen by his Majesty's Putting the Papists into possession of all the strength and authority of the Kingdom, united with all the power of the French King, that your Quiet admission to the Throne might not be possible, unless you should submit unto and depend upon the *Papists*, and the Conditions that they should impose; but they found it of greater difficulty than they at first imagined to get a Parliament that would joyn with his Majesty in such a project against your Highnesses, therefore some of the more cautious *Papists*, of considerable fortunes, stumbled at the absolute force of a mercenary Army and the French Power to put a force upon the *Heiress* of the *Crown*; they propounded, that his Majesty should rather try the force of his Paternal Power with her Royal Highness, and use all the arguments of interest to induce her either to change her sentiments in her *Religion*, or at least to moderate her thoughts concerning them, and inclin her to concur in their full Liberty.

It such Endeavors should be hopeless, that then Your Highnesses should beat least prevailled with to declare your Consents to his Majesty's Declaration for Liberty of Conscience, and your concurrence in his desires to a *Parliament* for the repeal of all the *Penal Laws* in Matters Ecclesiastical and the *Test*.

It was presumed, that Your Highnesses might have been perswaded, that the *Laws* suspended and dispensed with by his Majesty were only two or three *Laws* against the *Protestant Dissenters* holding their Conventicles, and some *Laws* made since the Reformation, only to *Compel Papists* by great penalties to come to Church, and to keep their Priests out of the Kingdom, and it was hoped that Your Highnesses Compassion, to all Christians, and a tenderness of the Liberty of Consciences, would have moved you, without further Examination, to have complied with his Majesty's Request.

It was believed, Your Highnesses would never have inquired after the *Penal Laws* in Matters Ecclesiastical made by the ancient *Papists* many hundred years since, against the horrid invasions by the Romish Church on the Rites of the *Crown* and the Realm, whereby they had impoverished, enslaved and almost ruined the Kingdom, nor that your Highnesses would have understood that the King hath opened a return to all those wicked practices of that *Popish Church*, and that the repeal of those *Laws* would settle them.

It was supposed that Your Highnesses had not known that the *Penal Laws* in Matters Ecclesiastical contain most of the clearest authoritative Declarations, that are extant in any records of the rights of the *English Crown*, of the Form and Constitution of our *Government*, and of the Rights and Liberties of the subject, the Church of *Rome* claims, Usurpation and intolerable abuses and oppressions having put a necessity upon the Kings and *Parliaments* to make those declarations of Law that are now ancient Evidences of the inheritances of the Kings and People of inestimable value.

It was imagined, that Your Highnesses would not have discerned the consequences of a General repeal of the *Penal Laws* in Matters Ecclesiastical, that by enacting only his Majesty's declaration, (as he propounds there) would be the most absolute and compleat establishment of Popery that the Romish Church can wish. All the Canons or *Laws* of the *Church of Rome* shall then have greater legal force in *England* than they have had in five hundred years past, and all her Authoritys and Jurisdictiones over our Persons and Estates will be in the same manner legal by ancient usage and approved by *Parliament*, as ever they were heretofore in *England*, part of *Magna Charta* itself will be repealed, that makes it *Penal* to such as the priest shall delude to give their Lands to *Religious Houses*.

There was such a Confidence of deceiving your Highnesses and obtaining your Consent, to the repeal of the *Penal Laws*, that the Priests spread a rumor, that you had agreed, and that his Majesty understood you well therein; a false Jesuite had the impudence to whisper it as a secret, that their General design could not miscarry, seeing they were secretly assured that the *Prince of Orange* would Concur in it when it was seasonable to declare himself.

We were certain of the falleness of those rumors, some of us knowing of applications that were contrived by his Majesty's order to your Highness in that Matter; and we were much surpris'd when a friend of ours at *Whitehall* told one of us about the end of *August* last, that the rumors of Your Highnesses concurring with his Majesty were suddenly hushed, and that he heard a whisper that it was sayd with much anger that Your Highnesses were obstinate in your errors, and thought to make your selves popular with the *Church of England*, and he would trouble himself no more with you, but you should repent it.

Some few of us, who had often conferences, concluded that the King had changed his measures, but could not image what was designed to offer to a *Parliament* in lieu of a *Protestant Successor's* consent, to oblige them to repeal the *Penal Laws* desired by his Majesty. It was not long before we heard it muttered that the Queen was with Child, and then the *Papists* began to Triumph, and the Priests gave out boldly, that it would set aside her Royal Highness's right to the Succession, tho it were a daughter, and ignorantly and impudently affirmed that if the *Queen* had a daughter born after the King came to the *Crown*, it ought to succeed before a daughter born when he was but a Duke; but none but the *Papists* gave any Credit to the reports that she was with Child; and the Fable of the Dutches of *Modena's* request in heaven or purgatory, and the Lady of *Loretto's* helping her to conceive a son for the sake of a fine present, made all but the *Papists* believe it a meer invention of the Priests whatever should ensue.

The story of it shewed it to be of the lineage of the Popish legends, and was a matter of laughter and derision amongst the People, and a Subject for Poets lampoons, which were so common that they were in *Whitehall* itself; and no doubt they came to the knowledge of his Majesty and most of his Court. The more  
serious

serious Protestants presently apprehended, that a suppositious son was designed to abate *Your Highnesses* growing reputation and Power, all the Protestants of Europe then justly looking upon her Royal Highness as Heiress apparent to the English Crown, and *Your Highnesses* in all respect to be the fittest head for the Protestant Interest against the General Popish Design.

They knew this devise to be necessary for supporting the glory and terror of the French King against the greatning reputation of *Your Highnesses* by the Expectancy of the English Crown; 'tis known that he dreads *Your Highnesses* vindication and recovery of your own rights from his manifest violence and rapine, and your Patronage of the Protestant interest in all Europe against his arbitrary and bloody designs.

He knows that if her Royal Highness succeeds to the Crown of England, he will be quickly incapable of prosecuting his Cruel intentions against the Protestants of other Countries, and it may be scarce capable of supporting his grandure and triumph over his miserable subjects.

The very Expectation for 8 or 9 months that the Queen might bring forth a son, was greatly for the Popish advantage, if the trick should have failed in the Issue by any unlucky accident, it made a stand for a time of the Protestants of all Countries in the great Expectations from *your Highnesses*; it raised triumphant hopes in all Popish Countries; it strengthened the English Papists hands and hearts to prosecute their design vigorously; it encouraged Corrupt and time-serving Protestants in Profession to fall in with their party, and prevailed with many weak Dissenters to make them believe a succession of Popish Princes, and that their Liberty of Conscience is only to be expected from them, and that therefore they ought to serve in their employments.

When we saw the Incredulity and Mockery of the multitude at the story of the Queens great belly, and the sad apprehensions of the more Considerate, that for the politick support of the Popish design a Counterfeit Son of the Kings might be imposed on the Kingdom, we resolved to observe and keep memorials of the rise, progresse and issue of the whole matter (as far as we could get intelligence) we presently perceived that the Popish Priests were the prime reporters and most Confident Assertors of the undoubted truth of the matter; and they boldly took upon them to presage, that the Queen was with Child of a boy, that was to finish the settlement of their Church in England, as Certainly as if they had seen the Fetus perfectly formed in her womb, or rather as if they had been privy to the plot of a Suppositious boy, and had their Cue in the Management of it.

Their manner of talk and boasting increased the General suspicion we knew that sort of Priests maintained the vilest wickedness to be lawful for their Church's service, and that they have been notorious for impostures and forgeries of all sorts; they once forged an Eternal Gospel, (as they called it) to support the orders of the Mendicant Fryers, and if we may believe some of themselves, they have a Father Tisler in some rich Convents to forge titles to any mans lands adjoining to theirs when the Convents have a mind to them: those Priests contrived Queen Marys great belly for a Counterfeit heir to the Crown to have Carried on their Catholick cause, and as great publick Triumph and solemn prayers for her belly were made at Rome and in all Popish Countries as have been made in our Queens Case; but their designe was unluckily Crossed when her deliverance was Expected, and their joyes and prayers vanished in smoake.

Some of those Priests were the Agents for the bloody and unnatural usurpation of our King Richard the third. A Priest preached at Pauls Cross to make the People believe that King Edward 4. his elder Brother whose Sons King Richard had Murthered, was a Bastard, not the lawful Son of Rich. D. of York, and that Richard was the true Legitimate Son, and had been a long time wronged of the Crown belonging to him.

It was a Priests invention and management to set up Lambert Symnel a Bakers Son against King H. 7. Counterfeiting him to be Earle of Warwick, and laying claim to the Crown, and was Proclaimed King in Ireland, and marched into England with a good Army to maintaine his Pretence: and by the like advice Perkin Warbeck another Counterfeit was set up against the same H. 7. by Margaret Duichesse of Burgundy to be Richard the younger son of Ed. 4. and made such a Considerable party in Ireland, and was so received and assisted in Scotland, that he bid fair for the Crown: and we could not forget what a Cheating trick the Jesuits invented and practised of later years about procuring an Heir to a Crown that is become their chief supports in Europe.

The Remembrance of these and many other wicked frauds of the Romish Priests of the like import to change the Successions of Crowns to serve their Church, and seeing them so Bulie and industrious to prepossess the Peoples minds, with an opinion that the Queen had a great Belly, and that it was a Son, when it was impossible in nature to be known if she had been then really pregnant; these things we say put together Confirmed our suspicions that they acted a part as they were influenced, and that a Counterfeit son might be resolved on to be set up for Prince of Wales, as Common fame Confidently reported.

The Collections and Observations we have since made of the things that occurred during the Queens supposed pregnancy, and about her Pretended delivery of this Son, have made the truth of the Matter to Plaine in our apprehensions, that now we no more suspect but Conclude and believe this Pretended Prince of Wales to be a Meer Counterfeit, and we hold it our duty to *your Highnesses*, to our Country, and to the whole Protestant Interest (this Child being set up against all these) to set before you all the Memorials we have taken in the whole Matter, several of us having been at last very near the Court during the whole transaction.

We crave leave to put *your Highnesses* in mind, that before we can convincingly set forth the special, and particular Facts, and Circumstances that we have remarked in this matter, 'tis necessary that we first remember and evince the truth of some general Conclusions about the proofs and Evidences where-  
by



by a true Judgment ought to be made of this supposed *Prince*; and if your *Highnesses* shall be clearly satisfyd in the Truth of those Conclusions, whereof we cannot doubt you may be truly convinced by them alone, without further hesitation or Inquiry, that this supposed *Prince of Wales* cannot be justly judged by any kind of *Rules of Justice or Law* whatsoever to be in truth born of the *Queen*.

The first certain Conclusion to be remembered is this, That by the Universal Rules of Justice and Equity any *Child* of our *Queens* (that was expected or hoped to be the *Heir* of the *Crown* of three *Kingdoms*, and to postpone or set aside an undoubted *Heiress* apparent, and also the right Expectant of a warlike *Prince*, and divers *Princesses* of the *Blood*) we say, such a *Child* ought to have been attel'd to be born of the *Body* of the *Queen* of the personal certain knowledg of proper *Witnesses* suitable to the case and concern, in to great a number, and of such unspotted fame, undoubted Authority, and perfect indifferency, that the *Proofs* of its *Birth* could never have been reasonably drawn into doubt or question, either in *England* or any other *Christian Kingdoms or States*.

A Son of the *Queens* *Body* had naturally and really made an entry in the moment of his *Birth*, upon the apparent right other *Royal Highness*: She had thereby rightfully ceased to be *Heiress* apparent to the *Crown*, and no *Rules* of natural *Civil Justice*, nor the *Law* of any *Civil Government*, will allow or suffer entry to be made and persons to be outed of the *Rights* they apparently had in Judgment of *Law*, without sufficient proof either of right Paramount to the others, or a determination of these former *Rights* apparent.

Our *English Laws*, and special *Statutes* for that purpose, abhor any Entry upon the apparent legal *Right* of another, either of the *Will* of the *King*, or of any *Subject*; the Admission of such a Practice is absolutely destructive of *Property* and all *Civil Justice* and *Government*; it dissolves the whole *Civil Government*, and turns all into the confused courie of natural *Right*, wherefoever a *Civil Government* and *Property* is established on Entry of *Will* upon the Legally apparent *Right* of others, without sufficient Manifestation of their own greater or better *Rights*, is directly contrary to *Gods Eternal Law* of all *Righteousness* amongst men.

Upon these certain infallible Foundations we build our Conclusion, that this supposed *Prince of Wales*, Born of the *Body* of the *Queen*, ought by the *Laws* of *England*, the *Fundamental Rules* of all *Civil Justice* and *Government*, and by the unalterable *Laws* of *God* to be manifestly proved by them, that pretend it beyond all possible Contradiction in such manner as is described and specified in the preceeding Conclusion, and such proofs ought to have been publicly divulged and made known to *England* and the *World*, before his *Patrons* ought to have entred in his name upon her *Royal Highnesses* *Right* in the Judgment of our *Laws* to be stiled and reputed the *Heiress* apparent to the *Crown* of *England*, and to assume to him that Honor and Glory, which her *Highness* justly had in *England*, and all the *Kingdoms* and *States* of *Europe* to be apparently the next *Successor* to the *Crown* of *England*.

Questionless all the *Civilized Kingdoms* in the *World*, that are *Hereditary*, have pursued these principles of Justice and reason in their *Common Customs*, to have their *Princes* born in the presence of the *Princes* of the *Blood*, the chiefest Men of *Religion*, and the greatest *Nobles* and *Officers* in the highest *Trusts* for the *Kingdom*, and the *Ambassadors* and *Ministers* of *foreign Kingdoms* and *States*. That the *Heirs* of those great Inheritances might be so known and manifest that it might not be possible for any Controversies to arise about their Births, and their being the *Lineal Heirs* of the *Respective Kingdoms*. Whensoever *Rights* of any kind are obtained merely by virtue of Birth, those that claim them are bound to prove by *Witnesses* suitable to the *Respective Circumstances* of every Case, the reality of their pretended Birth at their Peril of being justly excluded from the *Rights* they demand; yet Justice does not always require the like *Witnesses* and clearnesses of *Testimony* about the Birth of all common Persons; the *Circumstances* of their cases being so different, that *Witnesses* of such qualitys, and in such a number as may be sufficient proof for the birth of one *Heir*, may justly be judged insufficient for the birth of another.

But the Birth of the pretended *Prince of Wales* was attended with such *Circumstances*, that Justice required that his Birth of the *Queen* should have been testified by a plenty of such *Witnesses* as their proof might have amounted to the highest degree of Certainty that is possible to be built upon humane *Testimony*; doubtless the *Circumstances* of his pretended Birth were very extraordinary.

It was generally reputed and believed that the *Queen's* sicknesses and infirmitys had disabled her to bring forth a living *Child*. The famous Philitian Dr. *Willis* shewed that opinion to his *Brethren* of one of her *Children* when her *Majesty* was much stronger, saying, there were *mala stamina vita*, and the popular opinion therein was confirmed by several years experience.

It was notorious that two hundred to one throughout the *Kingdom* did not believe the report that her *Majesty* was with *Child*, notwithstanding all that was sayd of it by the *King* and the *Queen*, and the *Prayers* injoyned thereupon.

That her *Majestys* pregnancy was as little believed in *foreign Protestant Countrys* as in *England*; and *Pamphlets* were published in several *Countrys* as well as in *England*, that declared the Report of the *Queens* being with *Child*, to be nothing more then an *Artifice* of the *Jesuits*, by those hopes of a *Popish Successor* to the *Crown*, to encourage their *Catholicks* in their Designs, and to gain *Profelites*.

It was publicly known, that there was a jealousy in the greatest part of the *Kingdom*, that the *Popish Councils* had designed to impose upon them a counterfeit *Prince of Wales*.

There were also Circumstances about the Birth of this supposed *Prince* of another sort and no less important. It was the general opinion that the Security or Danger of the Profession of the *Protestant Religion*, not only in *England*, but in all the *Kingdoms* and *States* of *Europe*, would be the certain consequence of her Majesty's bearing or not bearing a *Prince* of *Wales*.

The Birth of such a *Prince* was to be a great diminution of many *Princes* and *Princesses* in their Expectancy and Primity to the Succession to the three Crowns, and threaten'd *England* with the Danger and Misery of falling under an Infant *Prince* in name, and in truth under the Domination of *Rome*.

All these special Circumstances attending the birth of this supposed *Prince* of *Wales* being of such nature, import and number, as the like never met together before in the Expectations of the birth of any *Prince* in the world. In this Case Natural Justice common to all Nations, and the practical reason of the special Customary Law of *England* in the proof of Matters of fact, we say, both universal justice and the Peculiar Law of *England* required indispensibly that there should have been such proper proof that this supposed *Prince* was born of the *Queen*, as was answerable unto all the special Circumstances in the case, such proof as had comprehended the objections that might arise from every of them as fully as was possible in the nature of the things, that the Testimony of his birth might have been sufficient to have satisfied the most jealous and distrustful about it in our own and forraigne Countrys, and to have removed all the prejudices against it that were known to have been spread far and near by Common fame.

It was absolutely necessary in Justice, Law and prudence, to have had such proof of his birth as our precedent conclusion hath asserted: that is,

That there had been Testimony of it, of personal and absolutely certain knowledge. Women to have testified their Personal sight and perception of that very individual Child coming naturally out of the *Queens* womb, and men to have witnessed their immediat free and full sight and inspection of that very Child by the womens assistance in his pure natural nakedness, with all the known marks and tokens of his being just separated from the womb, and from those other things that are natural to the birth of a Child, the effects of such separation being there visible, and impossible to be hidden, such Testimony is always provided for in the birth of every *Prince* of the blood in *France* tho never so remote from the Crown.

That the witnesses of those Matters had been fit and proper witnesses, suitable to the greatness of the Persons and things that might be in question, and to the vast Extensive Consequence that may insue thereupon. Nature, or the first light from God Created in the minds of mankind, dictated the equity of those Roman imperial Laws that appointed those which asserted filiation or marriage to prove them by fit or proper and most unquestionable witnesses; most of the Writers about those Laws serve themselves therein of these Words severally, which we will for shortness put together; *Matrimonium & filiationem qui asserunt, debent, probare testes, idoneos omni Exceptione majores*; they that alledge a marriage or a Child being by vertue whereof they claim, ought to prove it by witnesses that are above or beyond all possible Exception; in this case there ought to have been such fit witnesses that nothing could have been objected against them in any respect either by Englishmen or forreigners.

That the witnesses that Law and prudence required of both sexes, had been fit and proper in respect of their years, or age, that the women had been Matrons, whose gravity and sobriety were fit to attract some decent reverence from the men of like quality in their Exposing to them nakedly the works of nature as was unavoidably necessary.

That they had been fit and proper in regard of their sufficiency of knowledge and understanding in the Matters of Child-bearing, such as knew by Experience all those works of Nature in what Manner the Mothers ought to be and are Customarily treated in their real travel and Child bearing and immediately after it, and what are the natural Symptoms in the Mother, that Accompanies their real bringing forth of a Child before it hath been its natural time of nine Months in the womb, and at its due natural time, and also the signs of a Child perfectly grown in the womb or brought to light before its time of perfection; it was of necessity that the witnesses had been of such knowledge and experience in all these Matters, or so sufficiently informed about them by others of skill and faithfulness, that it might have been Evident to the Kingdom that such witnesses could not be imposed upon, deluded or deceived by any Cunning artifices to believe this pretended *Prince* to have been born of the *Queen*, if he were in truth supposititious and Counterfeit.

The General Rules of our Canon Law required, that the Witnesses had been publicly known to the Kingdom by their Persons or their Names, their Interests, concerns or Employments, our Fundamental Laws have taken care that all matters of Fact should be decided by Jurys of the Neighbourhood where the Facts are done, that the Witnesses, that testify them, may be known to the Jurors; and Fraud is always suspected if persons unknown to the Neighbourhood of the Facts be produced to Witness them, unless there be manifest reason for their knowledge of the Fact better then those that were near to the place, and known to the Jurors.

The reason of our Law is of impregnable force in the case of the supposed *Prince*, that the Witnesses of his Birth should be persons publicly known, on whose knowledge, truth and credit the whole Kingdom and the Christian World should rely in a matter of such vast consequence, obscure unknown persons never publicly named or heard of in this or any foraign Kingdom, and above all obscure foraigners, *French* or *Italians*, or others, ought not to be deemed fit or competent Witnesses to satisfy the Kingdom in this Fact: indeed when Circumstances are considered, it will be evident that the pretended Testimony ought to be rejected; and if it be offered, it justly puts a prejudice upon their pretences in regard there was a whole Kingdom, besides all the Eminent Ministers of Foraign Princes and States, out of which Witnesses might have been

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selected that were publickly known and heard of by all the People, and the necessity of it was never more so manifest in any case, it being known to his Majesty and his whole Court, that the Queens being with Child, was not generally believed either in England or Foreign Countries.

Common Justice required that the Witnesses had been fit and proper in respect of their high distinguishing Quality, either that they had been dignified with some of the highest Ecclesiastical Dignities, as Arch-Bishops, or Bishops, or had been by Birth or Creation of the degree of the greatest Nobility of the Kingdom, or that their extraordinary Worth had raised their Reputation, and had been honoured with the great and Eminent Offices of Trust in the Realm.

Our Laws are impartial to High and Low in hearing the Testimonies of Witnesses in every Case, and therefore they duly consider both the Circumstances of every Fact to be proved, and of every Witness, and his Capacity to prove it; our Laws indeed judge not Truth and Integrity to be annexed and intailed to Dignity, Nobility or Greatness, yet they justly claim the Testimonies of persons of great Dignity in the Church or of noble Birth, and raised Knowledge and Fortunes, and independant upon others to be more free from exception (which this Case requires) then those that are of weak understandings without the advantage of excellent Breeding and Instruction, or indigent and bound to depend upon Favour of others for their support, like Nurses and Adulterers, and other Servants.

Therefore (*Ceteris paribus*) (the Capacity and Probability of knowing the Facts and the Indifferency of witnesses of High and Low degree being equal) our Laws justly allow most weight and Credit to the Testimony of dignified and noble Witnesses, and they are therefore required to prove the Fact of a Prince's Birth, whereupon depends the Right and Title to Kingdoms to exclude the apparent Right of one, and to put another into possession of the same.

Our Laws presume Persons of such high degree to have greater sense and regard to Conscience, more generosity and contempt of Falshood, and more tenderness of their Honor than those of Low Condition, and upon that presumption Noblemen's Affirmation upon their Honor are in many cases accepted by our Laws in lieu of their Oaths, unto which all others are obliged in the same like Cases, and for that reason their Declarations of the Birth of a Prince without their making Oath thereof judicially, have been as certainly rely'd upon by the Kingdom in the Descent of the Inheritance without Dispute, as if they had sworn their knowledge in the forms of Justice.

There are also other circumstantial Reasons (unto which our Laws have regard) for the greatest value to be put upon the Testimony of the Nobility of both Sexes about the Birth of a Prince; they are most accustomed to the presence and conservation of the King and Queen.

Such Ladies are justly presumed to be free from too great awful Distances, Common to those of lower Quality, and to have more Audacity and Confidence to make such near Approches to the Queen in her Travel and bringing forth, as are necessary, that they may be ocular Witnesses that they have seen the Child in its very Birth; and such Nobles are more bold and free to take such a teaching view of the Child in its naked natural as may make them knowing Witnesses of its Birth, and absolutely certain that they are not deluded with a Suppositious Child.

Such Noble Witnesses are also known to have greater Obligations upon them then others to prevent all possible Questions and Disputes that may arise by any uncertainties about the Succession to the Crown, which may divide and destroy the Kingdom and their great Interest and Posterity; their Conditions and Fortunes are supported by our Laws to be above temptations by Bribes of Wealth, or Honour, to connive at falshood, or to stoop to serve a Counterfeit Prince.

Upon all these Considerations the Witnesses of the Birth of every English Prince ought to be of such High and Noble Quality; and it was known to have been infinitely more necessary that the reason of our Law had been exactly observed in the case of this Supposed Prince, then ever it was since the foundation of the Kingdom; there never was any such occasion to have stopped the mouth of Publick fame, or to have shewd the justly jealous Subjects that there was such fit and proper Witnesses that a Prince was now born of the Queen as were unquestionable without any possible exception, whose truth and faithfulness might be relied upon securely. Justice also required for full security that there had been competent and sufficient numbers of those fit and proper Witnesses, at least that there had been so many of them as were able to obviate all ways and practices of deceit, that it could not have been supposed to be possible that a Fraud had been put upon them.

This sort of Caution is always just and necessary in the birth of our Princes, but in the present case there could have been no honest end, intention or pretence to have confin'd themselves to a small number of Witnesses of a fact wherein a Kingdom, known to be filled with just suspicions of an imposture to be put upon them; were to be satisfied merely by the Witnesses averment, and a Noble Prince also to be excluded from being Heir apparent to the Crown.

Our Laws require Witnesses of facts answerable to the nature and Circumstances of them, and always require ample Testimonies when the Parties that are obliged to prove them, had it in their powers and choice without charge or burden to themselves to have multiplyed their Witnesses to what number they had pleased, and could not be ignorant of the usefulness or necessity of it, and yet more especially if the fact were such whereby Great Benefit was to accrue to them and Answerable Loss unto others; in such a case it would much abate the strength of the proof in the course of our Law, if there were such a small number of Witnesses as might leave room for any objection or the least doubt of the fact.

The ancient Roman Imperial Laws in the Cases of Subjects, when there was a Posthumus to be born that might exclude another Heir apparent. We say, those Laws in common natural Equity to prevent a suppositious Child, appointed thirty days to be given to the apparent Heir, and all others whose Right was concerned of the Ex-

pected time of her Travel, and delivery, that on the behalf of the Heir apparent, Women might be sent to be present to see the *Birth of the Child* that might become the Heir; that Law confined the number to five free Women to be so sent, allowing her that was to be delivered to have also five Women of her own chusing, and no more; so that the number to be present at her delivery should not exceed ten besides *two Midwives*, and six Maid Servants, that were no Witnesses.

This Rule was set down positively in the Empire, as the Dictate of natural Equity and Prudence; and although *England* hath no positive written Law, that prescribes any set number of Friends to be sent in such a case by the Heir apparent, to see the *Birth of such a Child*, yet the Custom and Practice is in every such case (tho' no Fraud be suspected) to give notice to the next Heir, and that some of their Friends are customarily sent (to what number they please) to be present at the *Birth of the Child*, that may be an Heir to the Exclusion of another.

That practice with us is not of Favour, but of Legal Right, our Common Law generally Binds all that set up a claim to any thing that another hath, to give such Notice of his pretence as is needful to make his just defence if he can, and to prove the Fact whereby he claims by such a number of Witnesses as may put the Truth of it out of doubt to the Court of Judicature; but that number in the Course of our Law is greater or smaller, according to the Cause that appears of jealousy or distrust of the Truth of the Fact pretended.

These Rules of our Law, and the Reasons of them fully include the case of a Pretence of a Child to be born to exclude an Heir apparent, and if there were many known grounds of suspicion in any such case that it was designed to set up a *suppositions Child*, and a notorious Common fame of it, and no notice were given of the time expected of the *Childs Birth*, hoped to be Heir, to the then Heir apparent, or to any that had expectancies of the Inheritances. We say, in such a case, by the Rules and Practices of our Laws, a small number of Witnesses of the *Birth of a Child* ought not to be believed, since they that should claim for such a Child might by due notice to the Parties concerned have had such Witnesses as had put the *Childs Birth* beyond all question.

Certainly by the reason of our Common Law, there ought to be a much greater number of Witnesses of the *Birth of every of our Princes*, then of the *Birth of the Subjects Heirs*; but our Law requires that the *Birth of this pretended Prince of Wales* should have been proved by a greater number of Witnesses then was ever needful heretofore, in the case of a Prince; there ought to have been so many fit and proper Persons present at his pretended Birth, that it might have been manifest to all that had heard it, that the Eyes of so many Witnesses of such Condition, knowledge and Judgment could not have been deceived in what they had testified to have known, and seen; the number ought to have been so considerable, that there could have been no reasonable Suspicion, that so many of both Sexes, and of various Dignities, Honours and Interests (and some of them of Consanguinity with the former Heire's apparent) had made a Confederacy amongst themselves to abuse the Kingdom with a Counterfeit Prince, and that so many had kept each others Council in a Fraud and Falsehood so odious and injurious.

It had been common Prudence as well as Justice to the Realm, that the Witnesses of the Birth had been very many, that amongst such a Number some of them might have been known in one Part of the Kingdom, and others in another Part, and that some of their Names and Qualities might have been known in Foreign Countries, and for that Reason the Ministers of Foreign Princes (according to Custom) ought to have been some of the Witnesses; the Peoples knowledge of the Names, Qualities or Persons of the Witnesses had much conduced to their fuller assurance of the Truths; it would have appeared to them incredible and almost impossible that the Integrity of such and so many Witnesses could have been attacked either separately or jointly.

But on the contrary, seeing Custom and Law required a good number of fit and proper Witnesses to have made up a Testimony of the Birth of a Prince, that might have been truly said to have been *omni Exceptionis mains*, above all possible Objections against it; and seeing the wit of man cannot invent a reason why the King and the Patrons of this pretended Prince of Wales did not provide such ample and unquestionable Testimonies, that he was born of the Queen; when they could not be ignorant that it was the voice of common Fame in England and Foreign Countries; that her Majesties Conception of a Child was merely Fictitious, and that a *suppositions Prince* was designed, and seeing no Excuse or Pretence is published for the neglect or Failure of such a Testimony of his birth, we say (the Circumstances of the Case being considered) its most unjust to expect or demand of Your Highnesses, or of the People of England, or of Foreigners, a belief and acknowledgment that this pretended Prince of Wales was born of the Queen.

As our Common Law informs us, who are fit and proper Witnesses, whose Testimonies ought to be received in this Case, and in the proof of all matters of Fact respectively, so the same declares who are deemed to be unfit and disabled to be Witnesses in all the various and respective Questions of Fact, it shews whole Testimonies ought not to be heard, and much less believed in divers sorts of Facts that come into question; if your Hs and the Kingdom be told of the presence of such persons to have been at the Birth of this pretended Prince, they ought not by our Laws to be accepted Witnesses, nor their averments in the case to be heard by your Hs, or the Kingdom; and much less to be allowed to be of any Validity in the Common course of our Courts of Judicature; if Parties concerned to prove a Fact do knowingly offer for Witnesses such as our Laws reject in the Facts in question, it turns to the prejudice of their other proof; we are therefore obliged to acquaint your Highnesses with the Actions, Qualities, Respects and Circumstances that have disabled many by force of our Common Law to be heard as Witnesses of the Birth of this pretended Prince of Wales.

First, our Laws utterly disable all those to be heard in the Case that have received either gifts of Money or



or *Honours*, or any other *Reward* or *Benefits* whatsoever for their pretended Assistance about his *Birth*, or by reason or occasion of that pretence; 'tis the *Common Practise* of our *Law*, that when a *Witness* is produced, the *adverse Party* may examine him upon his Oath whether he hath had *Money* or other *Reward*, or *Gift*, directly or indirectly, for or by reason of the matter in question, or from the *Party* in whose behalf he is produced to testify, or from any of his *Friends*; if he cannot acquit himself thereof by his Oath, tho' it cannot be proved against him, our *impartial Law* denies such a person not only to be *partial* in the Case, but *corrupted*, and *bribed*, and *unworthy* to be heard.

Our *Law* will not admit those to be *Witnesses* for the *Birth* of this *supposed Prince of Wales*, that have any *Promise*, *Expectation* or *Hopes* of any *Advancement*, *Office*, *Place*, or *Benefit* by or under him, if he shall be received and allowed by the *Kingdom* to be *Prince of Wales*; they that cannot purge themselves by their Oaths from all such *Promises*, *Expectations* and *Hopes*, are not in the *Judgment* of our *Law* persons *indifferent* and *unconcerned* in the Event of the Matter in question, nor fit to be heard as *Witnesses*, their *Testimonies* being partly for themselves and their own *Benefit*; and the allowance of such *Testimonies* in *Judicature* would in consequence subvert all *Civil Justice* and *Government*. Our *Law* excludes all from being *Witnesses* to support the pretence of the *supposed Prince of Wales*, that have such dependance on the *Patrons* and *Maintainers* of him, that they are in danger of *damage* and *loss* by them of any kind, if they should displease them in their *Testimony*. Our *Laws* judge all such not to be free and of their own *Right* in the Case, but bound to serve and please the *Patrons* of the Cause, and therefore presume that they may be corrupted by fear of losing the *Advantages* they love, if they should impartially declare the whole *Truth* and nothing but the *Truth* of the matter.

Our *Laws* seek to know the naked and entire *Truth* of all *Facts* that come into legal question or Contest, and will not admit of any to be *Witnesses* of them, unless they appear to be free from *Fears* of any *Prejudice* to themselves by speaking the *Truth* impartially. We are enforced by the *Concern* of all the *Protestants*, to speak more plainly than we would; we must say, that all that hold *Offices* of *Profit* and *Honour* during the *Kings Will*, are by the *Laws* of *England* excluded out of the Number of fit and competent *Witnesses* about the *Birth* of this *Child*, whom his *Majesty* hath proclaimed and maintains to be *Prince of Wales*; our good *Laws* have regard to human infirmities, and will not put a temptation upon men to suffer them to be *Witnesses* in matters, wherein they may damnify themselves in the loss of their *Offices*, if they happen to displease their *Master* in his concern in the case, by testifying clearly the whole *Truth* of it; they are not free in the *Judgment* of our *Laws*, to speak the *Truth* without *Fear*, and for that reason are not to be received by the *Kingdom* as *Witnesses* in this Case.

Our *Laws* will never allow or suffer any to be *Witnesses* in this Case, who are known or may be proved to have *Enmity* or *Prejudice* of any kind upon any account whatsoever to her *Royal Highness*, against whom most immediately this *supposed Prince* contends, She having been most unquestionably the *Heir apparent* of the *Crown*, and justly so remaining until the *Kingdom* shall be satisfied by a sufficient Number of *lawful Witnesses*, that there is a *Prince* born whereby her claim to the next *Succession* shall be postponed; the question of *Fact* to be decided by *Witnesses* is apparently between her *Royal Highness* and this *supposed Prince*; and 'tis an illegal unanswerable and conclusive Exception against any to be received for *Witnesses* against her in his behalf, that they are declared *Enemies* to her, and the *professed Protestant Religion*; the destruction whereof they are bound in Conscience to endeavour, and for that reason such known *Enemies* to her right of *Succession* to the *Crown*, that their *Church* have decreed and declared her *Right*, and the *Right* of all *Protestants* to any *Authorities* to be absolutely forfeited to the *Papists* for *Protestants* Hereby.

It cannot be denied, that all that are sincerely *Roman Catholics*, and believe their own *Church*, do judge Her *Royal Highness* to be an *Excommunicated Heretic* by their *Church*, and that all her *Rights* in possession and reversion are thereby confiscated, and that they are all obliged by the *Law* of their *Church*, in Conscience of their *Religion*, and by the hope of *Pardon* of their sins, to *defeat* and *destroy* by all ways and means in their Power all her *Pretensions* to the *Descent* of the *Crown* upon her, and to assist to the *investing* the *Right* to the *Succession* in a *Roman Catholic*. We might here add, that our *English Papists* are all in *Union* and *Communion* with the *Pope*, as appears by his *Nuncio* in *London*, and he is by the *antient Laws* and *Statutes* of this *Realm* declared the *Publick* or *Common Enemy* of the *Kingdom* near two hundred years before *Henry* the Eighth.

'Tis manifest that the *English Papists* are declared *Enemies* to Her *Royal Highness* Right in this Case between her and the *pretended Prince* of *Wales*, and therefore by the *Laws* of *England* they cannot be *Witnesses* of the *Fact* in question, neither ought their *Testimonies* therein to be offered to the *Kingdom* to *Delude* the *People*.

The *Civil Laws* so fully concurs with our *Common Laws* in rejecting *Enemies* to be *Witnesses* in the cause of their *Enemy*, that it denies to give credit to what they may testify in the cause of their *Enemy* with their dying *Breath* after they have received the *Eucharist*, that is the General Conclusion of the *Drs.* of that *Civil Law*, *Inimicus etiam si in articulo mortis constitutus, & accepisset Eucharistiam repellitur a testimonio cause sui inimici*. We mention this chiefly to shew, that 'tis not only by our *English Laws* that our *Papists* are rejected from being *Witnesses* of this *Birth* of this *pretended Prince* against her *Royal Hs.* but by the *antient approved Rules* of the *Civil Laws* that they generally acknowledge, and by the *Judgment* of their own *Doctors*.

Herein are only set forth to Your *Hs.* the *Laws* of *England*, that you may justly insist upon as your *Right* to prevent the *Church* of *Rome's conspiracies* against you: we reflect not on the credit or truth of any *Roman Catholic Lords*, or others, in giving their *Testimonies* in Matters of private *Interests*, wherein

the cause of their Church is not in question, and the *Laws* of their Church bind them not to either party; but since they are bound in this case to be *Enemies* to her Royal Highness, our Law will not allow them to be believed to her prejudice, and they must openly renounce that common *Honesty* to which they pretend if they offer themselves to the Kingdom to be competent *Witnesses* against her in behalf of this pretended Prince, when they are conscious to themselves, that not only our *Laws* but *natural justice* and *Equity* abhors such a practice.

We must say with all due reverence, and most humble submission, that our *Laws* will not allow that the Declaration, or *Testimony* of his Majesty, or the Queen should be accepted, and believed in this case as *lawful proof*, that this pretended Prince was born of the Queen; 'tis sufficient for us, that our *Laws* will not suffer our Kings to descend into the Place of *Witnesses*, they will not admit them to testify their own knowledge of the facts in any case whatsoever *Criminal* or *Civil*; but there is abundant reason also from *natural Equity* and *Civil justice* that the Kingdom should not receive and rely upon the Kings Affirmation about the Birth of this supposed Prince; their Majesties have publicly espoused his Cause for their own in all respects, and none on Earth, Kings or subjects, may justly expect, or be suffered to supply the Place of *Witnesses* in their own case since *Civil Government* is established; it they might lawfully be their own proof for their cause, they might as justly be Judges of their own proofs, which in Consequence would turn up the foundations of *Civil Government*; one of its chiefest original intentions being to introduce a course of *justice*, that none might be their own Judges.

We would not speak thus plainly if it were justly avoidable, we cast no Scandal hereby upon his Majesty, nor any way come near the crime of detraction, we barely relate the Law of England in this case of his Majesties affirmation of the Birth of this pretended Prince, that it hath not the force of legal proof, or of the *Testimony* of one legal Witness, and his Majesty is obliged in *justice* and *Honor* by his office and oath not to impose upon his subjects to believe, and rely upon his affirmation, or Word, in this case (nor on the Queen's, that's necessarily included in his) he cannot desire the People dissufully to change their ancient customs and *Laws* to substitute their Kings Words, or Assertions in the Room of sworn legal Witnesses to prove the Matters of the Highest moment about the Government.

If the Kingdom should allow the Affirmation of their Kings to be sufficient to make a lawful Prince of Wales without such *Witnesses* of his Birth as our Law requires, they should consent to Change the ancient Constitution of the English Monarchy, and so destroy the established legal security of their freedom and Estates: The *Laws* of England in this case are not dissonant from the *Laws* of other Kingdoms and the most absolute Empires; the *Civil Law* now received in most Christian Kingdoms, that was so addapted to absolute Government that it was one of its principles, that *principis verbum pro lege habendum est*, the word of the Prince was to be taken for a Law; we say, that Law never ascribed absolute credit to the Princes Affirmations of Matters of fact wherein the Subjects Rights were concerned, it passeth for a rule of that Law in such cases, *principis indistincte non creditur*; the Emperor is not to be believed intirely without limitations and restrictions, in his affirming Matters of fact relating to his Subjects legal Interest and security.

The learned Doctors in that Law determin, that the Emperors Affirmation that a subject hath committed Treason, or Rebellion against him, ought not to be believed, or taken for a proof; they say expressly, *Regi fides non adhibetur si attestatur talem fuisse proditorem*; likewise if he pretends and declares a cause why he deprives any subject, or feudatory of his Interest, he is not to be believed, there must be proof, and the party Intended to be prejudiced must be cited and heard in their defence.

They Generally resolve, that when a King asserts or attests any thing to the prejudice of another, he is not to be therein believed, especially when his Affirmation is for his own advantage, and to the subjects damage, or inconvenience; these are their Words *quando ex assertione principis ipse principaliter sentiet commodum & subditis incommodum tam ipsi principis non creditur*.

The Emperor Henry 6. of Germany had a due sense of the justice and reason of the Law herein about the year 1200. he did not expect that the People should believe the Affirmations of himself, and his Empress Constantia about the Birth of a Prince whom there was a rumor and suspicion that Constantia was past her age of Childbearing, and feigned a great belly; he gave the People plentiful proof by Witnesses more then reason required, he prepared a most publick Place wherein she remained expecting her time of delivery *Ventre Custodito*, with publick watchers, or keepers, that no suppositious Child might possibly be conveyed to her, and there in the sight of the People of the City, and all the *Mairons*, that would and could possibly approach her (none being Excluded) she brought forth a Prince, that was afterwards chosen Emperor Frederick the 2d.

If it were needful we could shew Your Hs. that the Honor and Security of our Royal Family of England with the peace and safety of the Kingdom were intended in the Constitution of our Legal Monarchy in such manner, that the Kings should not have Power at their will to Change the succession, or by any means prevent the descent of the Crown to the next in blood; but if the Kingdom should believe his Majestys Affirmation of this supposed Princes Birth without proof thereof, according to the *Laws* and *Customs* of England, the next succession were really and actually thereby put out of the Legal course, and referred to the will of the King, which is in effect to make the Crown *patrimonial*, whereas by the *Laws* and *Customs* of England the right to the Crown descends to the next of Blood, and the Successor is most properly to be titled the Heir of the Kingdom by force of the Kingdoms *Laws*, and cannot be defeated of the Succession by any Act of the Predecessor; if therefore the King should gain so vast a power by imposing on the People to believe his Attestation of this supposed Princes Birth, 'tis manifest that *natural justice* as well as the Law of

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England makes it of no force or effect to the prejudice of her Royal Highness in her Esteem of being the *Heiress apparent* of the Crown.

We believe the *Jesuits* and other maintainers of this *supposed Prince* will claim (as is their common practice) against these our Laws, whose force detects and defeats their impostures, they will pretend that 'tis unreasonable to expect a Testimony of his Birth from such Witnesses, and in such manner as are herein described exclusive of all *Roman Catholics*, but the reason and wisdom of these Laws are irresistible, and its a great Circumstance, shewing their guilt that they are displeased with the Laws that prevent Falsehood and Impostures, and require proofs of Facts as clear as the Sun.

The just and innocent are never offended at any Law, that provide for Truth and Righteousness, they cannot but be conscious to themselves, that it was more easie to have provided such Witnesses as our Laws requires of a *Princes Birth* then to have had such as they provided, that would Counterfeit to be Spectators, and be content (as 'tis now said they were) to see nothing of the Fact of which they were to be published to the Kingdom to have been the knowing Eye Witnesses.

'Tis notorious that the presence of ten of the *Protestant Nobility* of either Sex and other persons of Eminent Quality might have been as easily procured as one of the *Catholics*, if it had been intended to deale justly and fairly with the Kingdom, and they know that the Protestants throwout Europe (not the Papists) wanted and desired satisfaction about the *Queens great belly* and her delivery, the suspicions of a *Counterfeit Prince* were strong amongst them, and decryed by all the *Papists*, they knew the Friends and those of Consanguinity with her *Royal H<sup>ss</sup>* were as ready to attend if they had been called as any *Catholic* whatsoever; and they were not ignorant that Custom, Law and *Natural Justice* required, that Convenient notice should have been given to her *Royal Highness* above all others of the Expected time of the *Queens Delivery*, that such *Noble Matrons* as she had thought Necessary might have been sent to have Continually attended neer her *Majesty*, and to have been impartial Witnesses of the Birth beyond Exception: they understood the custome of calling *Embassadors* to be present at the *Queens Delivery*, and that a Common fame of a *designed Imposture* was spread in *forraigne Protestant Countrys*, and that there were *Envoys* and *Publick Ministers* from some of them, Especially that the *Dutch* had an *Embassador* there, and Expected to have been called: they know that those Provisions for legal, unquestionable proof of the Birth that was pretended, had been no hindrance of the presence, or assistance of as many *Papists* of each Sex as Her *Majesty* had desired, and she might have as intirely depended upon their only help, if it had been her pleasure, as if those lawful Witnesses had not been present.

The *Papish Councils* delude his *Majesty*, if they perswade him that any pleas of *Inadvertency*, *Neglect*, or *Ignorance* can satisfy the Kingdom instead of the proofs in the Case that the Custom and Laws of *England* require; 'tisa Rule of our Law that none shall make advantage of their own lachez, that is their Failers or neglects of what they ought to have done; less evidence is never to be accepted in our course of Judicature, because the Party concerned was negligent in seeking it, or ignorant, when he might have known his duty.

We presume *Your Highness* in reading this may be satisfied in the Truth of our first Preliminary Conclusion, which is necessary to be always remembered in order to a just Judgment to be made of this *supposed Prince of Wales*, and of the things proper to be done by *Your Highness*, by reason or occasion of his preterences; we doubt not *Your Highness* will clearly perceive what you may in justice demand of his *Majesty* in the Case, preserving nevertheless a most pious sense of filial Duty.

We may more remember *Your Highness*, that as the case now appears, no acknowledgment of that *pretended Prince* can justly be required of *Your Highness* by his *Majesty*. Its contrary to Justice and our Laws, that her *Royal Highness* should depart from her place and claim of *Heiress apparent* to the Crown, and resign it to a *Child*, who is not yet lawfully witnessed to have been born of the *Queen*. We therefore put your *Highness* in remembrance of a second Conclusion fit to be premised in this Case as an absolute certainty to be insisted on; that is,

That neither the Laws of *England*, nor any natural or Civil Justice do require of *your Highness* any kind of Testimonies or proofs, that the pretences of this *supposed Prince of Wales* are false and feigned, or that he was not born of the *Queen*.

Whosoever claims to be the natural and legitimate Son of any Family, its wholly and solely incumbent on him, to prove it by the Laws and Customs of all Civil Governments, and by the manifest Light of Nature; those two Rules of the Civil Law are adopted by all Countries into their courses of Judicature, *Qualem quis se facit, pro fundamento intentionis sue talem se debet probare*; and, *Filius qui petit hereditatem tanquam filius debet probare filiationem*; if Sonship or other quality or relation be the ground of a demand, that Foundation must be always proved by the demandant; if he that pretends to be Heir by his Birth to any inheritance, sayls of such sufficient Witnesses as the respective Laws of Countries require to prove his proximity of Blood, there needs no Testimony on the part of those that deny his Linial Descent. The Course of the Law of *England* is known to most *Englishmen* in the Tryal of all claims by Birth; the claimant is always put to prove all that he sets forth of his Descent in his Declaration, and the least defect of proof is fatal to his process if the Defendant perceives the plaintiff to want sufficient legal Testimony of his Descent and Birth, he never troubles the Court with proofs on his behalf, 'tis enough for him that denies the *Descent pretended*, to shew the insufficiency of the Witnesses and their Testimony produced to prove it.

*Your Highness* is not obliged either by our Laws or Natural Justice, to have Witnesses to prove the *pretended Prince of Wales* to be an *Imposture*, Her *Royal Highness* having been the legal acknowledged

*Heireſſe apparent* of the *Crown*. Unless ſuch *Lawful Witneſſes* that he was born of the *Queen*, were known and publiſhed as did ſatisfy the *Kingdom*, neither your *Highneſſe* nor any *Princes* or *States* may in juſtice acknowledg his pretences, her *Royal Highneſſe* ought to remain in the eſteem of the *Kingdom*, and of all *Princes* and *States* as the *Heireſſe* apparent of the *Crown*, at leaſt until a *Prince* ſhall be legally known and declared; and 'tis a manifeſt wrong to your *Highneſſe*, to the *Kingdom*, and to all the *Proteſtants* Intereſt, to ſuffer this ſuppoſed *Prince* ſilently and ſubmiſſively without publiſh Complaint of the wrong, to aſſume the Name of *Prince* and *Heir apparent* to the *Crown*.

When the *Popiſh League* endeavoured to ſet aſide the claim of your *Highneſſe's Anceſtor Henry 4.* to the *Crown of France*, and proclaimed the *Cardinal of Bulloign* to be *King*, he ſent Agents to the *Pope* (tho he was then a *Proteſtant*) and to all the *Princes* and *States of Chriſtendom*, to manifeſt himſelf to be the right lawful *Heir* of that *Crown*, and the *Venetian State* (to his vaſt advantage) conteſted it with the *Popes Nuntio* that they ought ſo to acknowledg him becauſe it appeared that he was the right *Heir*.

His Right indeed was to be *King* in poſſeſſion, but there is the like reaſon and juſtice to ſupport her *Royal Highneſſe* Title to the *Crown* in *Reverſion*, ſince another is ſet up, and declared throughout the *World* to be the right *Heir* of it, immediately after his now *Majeſty*. 'Tis undoubtedly juſt and reaſonable for her to demand, and expect, that the pretenders Birth (ſo much and ſo juſtly ſuſpected) ſhould be made manifeſt to the *Kingdom* by *Witneſſes*, without exception according to the *Law* and *Custom of England* and to *natural Equity*.

It may be of dangerous conſequence, to ſuffer a falſe Opinion of him in the *Kingdom*, and the *World*, to gain ſtrength by time, and neglect: yet neither *Law* nor *Equity* puts any burden of proof in the Caſe upon Your *Highneſſe*: 'tis only incumbent upon Your *Highneſſe*, to declare the wrong to your ſelves and the *Kingdom* by the pretended *Prince*, and to take care that no illegal imperfect or fallacious Teſtimony in the Caſe be invented or obtruded upon your ſelves and the *Kingdom* to ſupport his pretences, her *Royal Highneſſe* claim and right to be the next in *Reverſion* after his now *Majeſty* in the legal deſcent of the *Crown*, ought to ſtand unſhaken, and unqueſtionable in the Judgment of our *Law* and the *Kingdom*, notwithstanding any thing to the contrary, that hath been hitherto lawfully publiſhed or declared.

We cannot doubt, but 'tis here made manifeſt that your *Highneſſe* publick refusal to acknowledg this pretended *Prince of Wales* may be built upon ſuch ſure Foundations of *Law* and *Juſtice* as can never be overturned; we would not therefore trouble your *Highneſſe*, with all the Circumſtances of the Caſe which we have remarked in our *Observations*, that make it to us not only improbable, but incredible, that he was born of the *Queen*. Since 'tis not poſſible for us to ſend *Witneſſes* perſonally to prove to Your *Highneſſe* every circumſtance that we have noted, and 'tis not juſt that Your *Highneſſe* ſhould take them up upon unknown Authority, ſince we cannot in prudence ſubſcribe our Names to this Memorial, nor ſo much as the Names of our *Witneſſes* to the *Facts*, ſince the Proof of the Circumſtances can never be a Foundation of poſitive unqueſtionable certainty, but can only ſerve to make the Falſehood and Jeſuitical contrivance in this Impoſture more infamous and odious; ſince 'tis undoubtedly Your *Highneſſe's* Intereſt never to depart from the manifeſt Principles of *Law* and *Juſtice*, which put it wholly and entirely upon the Maintainers of the ſuppoſed *Prince* to prove him to be ſuch as they pretend with the higheſt human certainty that can be acquired by *Witneſſes*, and to the *Kingdoms* full Satisfaction.

And ſince 'tis notoriously known that above all others of the *Roman Church*, the *Jesuites* (which in this matter will moſt earneſtly contend againſt Your *Highneſſe*) have the greateſt effronter Confidence to deny and ſet aſide Matters of *Fact* however certainly proved and known, and they would be glad to have any thing offered in this Caſe that might give them room, or a poſſibility for diſpute and ſeeming doubtfulneſs of *Fact*, that they might obſcure the *Truth*, and deceive ſome of the *People* with their Equivocal Affirmation and impertinent Cavills at Your *Highneſſe's* *Witneſſes*, or their Teſtimonies and their bold aſſeverations of Falſehoods.

Upon all theſe Conſiderations we ſhall refrain from the relation of many very pregnant Circumſtances that we had collected, which if they were taken jointly in their natural Order and due Connexion, would by their united force ſtrongly induce impartial Judges to conclude, that the *Queen* could not be the Mother of the ſuppoſed *Prince*.

We could give very great circumſtantial aſſurances to Your *Highneſſe*, that there never was or appeared to be any reaſonable natural Grounds for a belief that her *Majeſty* had conceived a *Child*. She never had the firſt moſt natural, known, and common ſign of *Conception*; her *menſes profluviu*, or *Termes*, continued their uſual uncertain Courſe as formerly during the whole time of her pretended great belly; She did not conceal that it was with her after that manner of *Women* in her journey to *Bath*, nor that they continued ſome days after the *King* left her there; and all the induſtry uſed afterward to hide them in their *Seasons*, proved ineffectual, becauſe thoſe things come to the knowledge of more then were made privy to the whole Impoſture deſigned.

Her *Majeſty* having not that natural Sign of her *Termes ſtopping*, whereby *Women* uſually conclude themſelves to have conceived, from whence She could make a reckoning, it ſeems by the *Kings Speech* in Council, that Their *Majeſties* had both thought fit to publiſh her *Conception* to have been at the time of the Preſent made to the *Lady's Image at Loreſta*, upon the *Kings* return to the *Queen* at *Bath*.

It was then too ſoon for them to be provided of a ſuppoſitious *Child*, and ſo might name any time they pleaſed of her *Conception*, and then ſeek for a *Child* that might agree with it, and it appeared pious and great to make her *Conception* one of the Miracles of the *Lady's Image*, tho it happened Unluckily afterward, that they could not make the times of her *Conception* and ſuppoſed delivery to agree with nature's moſt conſtant time of nine Months.



The Confidants and Advifers about the Impokure hearing the voice of Common Fame upon the *Kings* Declaring when the *supposed new born Child* was shewn, that he had now a *Son* a strong and lively Prince, the meanest child bearing Woman that were disinterested, saying thereupon in mockery, that such a child of about *Eights Months* was as great a *Miracle* as the *Queens Conception* had been reported; we say, the Confidants fearing it might make the whole story lesse credible and help to detect the fraud, they have perswaded her Majesty to declare that she had miscounted the time of her Conceiving the Child, and that she knew very well, that she was with Child before her use of the *Bath*, by this new reckoning they thought that it might be affirmed, that the Child was born at his due time, and might be strong, and lively, as his Majesty had sayd, and they thought, it an easy sham to say Women misreckoned very often.

But, it was unhappily forgotten that her Majesty had continued and expressly affirmed her first reckoning several weeks after her pretended delivery; it was forgotten that it was known sufficiently that her Majesty had her *Termes* in her *Journey to Bath*, and *four days* after the Kings going from thence, which was a manifest proof that there was then *no Conception*; it was not considered that if it be truth that the *Queen* knew her self to have then conceived as she hath lately declared; then it cannot be a misreckoning, and the meanest *Physician* she had at *Bath* would have told her, that if she had imagined a conception as she now says, *Bathing* would probably destroy the *Embrio*.

It was not well remembered how the King had declared with her Majestys privy the miracle of the time of her conceiving quite inconsistent with her now account, neither was it thought of in the now Council, how her Majestys truth and Honor should be saved in her contrary Stories, of the time of her conceiving even since her supposed delivery; but we need not mention that, since the world knows how little regard the *Jesuite Confessors* have to truth.

Her Majesty shewed no grounds to believe her pregnancy by nature's progresse there in the Common natural signes, that in four Months follow in every Woman, that hath a Child in her womb, were wholly wanting in her Majesty, there was no swelling, or increase of the usual proportion of her *Breasts*, nor was there any milk ever seen to be in them (tho one Lady took the Confidence once to affirm it) the proportion of them was visibly the same to the Eyes of all that can be lawfully Witnesses, and were usually in her presence, and none of those Ladies proper to be Witnesses could ever obtaine the satisfaction to see a drop of milk from her breasts, tho it had been her Majestys Honor, Interest, and pleasure to have shewed it if there had been any reallity in the pretence of her pregnancy.

We put this Circumstance into our memorial not without some Mirth in our meeting, because one of our company sayd, he was now sure that neither her Majestys *Physicians* nor the *Jesuits* were natural *Philosophers*, they might (sayd he) with very little arts have caused the *Queens Breasts* at her age to have swelled with milk so plentifully that she might have easily milked it forth in quantity in the sight of the *Princess of Denmark* and all the *Protestant Ladies* of the court, it may be done (sayd he) in rational, or animal Creatures, and he gave us instances of undoubted credit wherein it had been done to his knowledge and a Child suckled, and to divert us he offered to shew it in an animal, he having also tried that Experiment, and thereby milked out the milk from a young Creatures Udder that had never been with young; another of the Company said merrily, it that were so Easy an artifice, he wondred that the *Romish Priests* had not learned it, since tis known to the world that they have long had the Art of keeping the *Virgin Marys* milk above 1600 Years, and of multiplying the quantity of it from *Horse Loads* to *Cart Loads* to disperse among their credulous vulgar.

We humbly pray your Highnesses Pardon that we seem herein lesse serious then so great a Matter requires, we speak only the words of truth and soberness, but the comical tricks of the *Romish Priests* (that commonly End in tragedy) force us to represent them as they deserve.

Theres another known sign and Testimony of a Woman's pregnancy, that is, the sensible stirring of the Child in the womb, that was expected her Majesty should have shewn to the Ladies with joy, especially to those *Protestant Ladies* of her bed Chamber, that doubted (with the Protestant Dr. her then *Physician*) her being with Child, as far as they durst (when the quickening of a Child in her womb was pretended, and published throughout the Kingdom; it had been a pleasure to her Majesty, and no trouble (if it had been Real without deceit) to have shewn the motion of a Child in her womb to honorable Matrons of her Bedchamber, that might have been in all respects lawful Witnesses of that truth to the *Justly jealous Kingdom*; these might have touched her belly, and had been proper Judges from their Experience of the true motions of an infant in the womb, and some of Consanguinity to the Heyrels apparent might have been admitted to that favour as our Laws and common prudence directed for removing the causes of Jealousy; but however industriously her Majestys quickening with Child was spread abroad, yet the feeling of its motions was never vouchsafed to any competent Witnesses of it, to give the suspitions Kingdom a ground to believe, that she was with Child.

The next visible and manifest sign of the true natural progress of a great belly, is the distension of all the parts of the Body, that incircles and compasseth the womb, such is the Place and manner wherein nature hath prepared the lodging of the growing Child in the womb, that according to its growth, and increase, and the quantity of liquors, that are there naturally and necessarily congested there, so are all the Circumambient parts gradually extended, and enlarged to make roome; there never was nor naturally can be an Extension only of the *Peritoneum* the Rimm of the belly to give room to the Child, all *Naturalists* and *Anatomists* know that if in that manner no Child could keep its natural site in the womb nor be born alive.

All men and Women, that ever observed Women great with Child, know that all the Parts that inclose the cavity swell until the time of their delivery approach, but this natural necessary sign of pregnancy so in-

tirely sayed in *her Majesty*, that skilful Spectators of both sexes wondered, that better arts were not used to make that visible sign, and appearance of the growth of a Child in *her womb*; we were satisfied by skilful *Matrons* of great Experience, that attended on purpose to observe *her Majesty* Exactly, that all the outward Parts of her Body, that incompasse the womb were of the same proportion that they were at other times, save only her belly which was exceedingly copped up, and high, that shewed like a great bellied Woman to them that looked upon *her Majesty* before; but sayd they, when we saw *her Majesty* walking, and looked upon her behind, and on each side, we saw not the least appearance in her of a great bellied Woman, we took care to have the fashion of *her Majestys* Body observed by skilful Women at several periods of time during her supposed pregnancy, and once a very short time before her pretended Delivery, and we had always the same accompt, we have heare faithfully given *Your Highness*.

We compared this Circumstance with another that we had marked, whereof we had from time to time full assurance during all the four last Months time of *her Majesties* supposed being with Child, those being the Months wherein usually all the circumambient parts of the Womb swell most, we were very well informed that in all these Months *Her Majesty*, contrary to her former usual course, always withdrew from her Chamber, and retired into her Cabinet or some other private room, with two or three *Italians*, when She changed her Linnen, and would never permit any one of the *Protestant Ladies* of the Bedchamber to see her change her Linnen, as they had constantly don.

Those two circumstances explained each other, and plainly shewed that the natural naked and true shape of *her Majestys* Body, as it was then, was not to be seen by those that were not of the Confederacy in the intended Imposture; those that were only capable of being lawful Witnesses for *her Majesty* against common Fame (if Fame had belied her) those were all excluded from a possibility of seeing whether her belly was truly and naturally great, and a few forrainers of no Quality were only to keep the Secret of what *Her Majesty* was to make the coping belly.

Nothing can be more manifest then it is by all these Circumstances taken as they ought in connexion each with other, that there hath nothing appeared of the natural plainness and simplicity that always accompany truth in the whole Demeanor of *her Majesty* from the time of her pretended Conceiving a Child to the very time of her feigned delivery of this supposed Prince of Wales; all that hath been acted in the matter, hath plainly imported Trick and Design to hide and smother Natures Works, that ought to have been most freely exposed to the whole World, if there had been any truth in the pretences that could have born the Light, we may securely affirm to *your Highness*, that in all the eight Months and four Days first reckoned to have been the time of *Her Majesties* Pregnancy, or from the time of her going to Bath in the new Reckoning, there never hath been any of these constant natural signs in *her Majesty* that could afford to any understanding Man or Woman a ground to believe that She conceived a Child.

The progress towards finishing the intended Imposture of this Prince of Wales hath been answerable to its beginning. In the preparation for *her Majestys* supposed Delivery there hath been no regard to the rules of natural Equity or Law, or common prudence, nor any appearance of that open Freedom and naturally plain proceeding that ought to have shewn that they did not fear the Kingdom, or the World knowing the Truth of all that should be done in that pretended natural work of Bearing a Child, wherein the whole Kingdom, and so much of the World was concerned; if the Customs and Laws of England, or natural Equity had been consulted in the Circumstances of the Case about the preparations needful for *Her Majestys* Expected Deliverance of a Prince, the first of all Advices had certainly been to give early Notice to *your Highness* and to others in the nearest possibility or expectation of succeeding to the Crown of the time of her expected Travel and Deliverance of a Prince, and of the place of her residence at such time. That proper Noble Matrons, and others, might have prepared themselves, and attended there, and have been present in their behalf, which might have suppressed and silenced forever by their Testimonies all suspicions of Fraud or Imposture.

But 'tis not only undeniable, that no such notice was given either to *Her Royal Highness* or to any of Con-sanguinity with her, nor to any other of the Noble Matrons of England, but such Artifices were used as might most conceal the time and intended Place of her pretended Travel, such feigned time of her supposed Conception was published by the King and Queen, that neither *her Royal Highness* nor any of the Nobility could possibly foresee the time when the Comedy that is now said to have been acted was to begin.

The Place where *Her Majesty* was intended to live in was kept in such uncertainty, and often published so variously, sometimes that it should be at Richmond, sometimes at Windsor, another time at Hamptoncourt, that none of the Nobles of either Sex, that were of the Kindred and Friends of the Heir apparent, nor of the Protestant Nobility, could know how to prepare themselves for attendance on *Her Majesty*, as was their duty to *Their Majestys*, *Her Royal Highness*, and the Kingdom.

As the Publication of the Place was often changed, as if a surprize in the Place was designed, so at last such a sudden and seeming hasty Resolution was taken a day or two before her pretended Delivery, that her lying-in should be at *St. James's*, tho' none expected the time to be near by above three Weeks, that Commands were given for preparing her Lodgings there so hastily, that when *Her Majesty* laid on the Friday, She would lye there on Saturday, and it was told her it was not possible her Lodgings should be ready, She then said, She would lie there on the floor.

It was hoped by all the Protestants that the Princess of Denmark, would have been a faithful watcher for her owne sake, when the time of *her Majestys* deliverance of her great belly should come; tho' she had not been able, or she durst not give them advice of the occurrences in the time of *her Majestys* supposed pregnancy, it was thought that she could not be avoyded but she would be present to see what was brought forth, whether any thing or nothing; but care was taken, that advice should be given her when she wanted astringent Me-

decens



decides to go to the loosening waters of the Bath, to keep her four score miles distant till the pretended Prince should be born.

At the first Notice we had of her *Majestys* passionate Declaration, that She would lye at *St. James's* on the *Saturday Night*, we could not conjecture that there was to be a pretended Prince brought forth on the *Sunday*, nor was there any Wispers of it, or the least natural Feigned or Counterfeit sign of forerunning Pains of a Woman, whose times of Travel approacheth. Her Majesty was late in the Night at Cards, and no appearance of an indisposition then, nor is any pretended to have been in the Night, but we learned by the Event on the *Sunday* the reason of Her *Majestys* fixed and immovable Resolution to lie at *Saint James's* on the *Saturday Night*, she was to seem to bring forth a Prince on the *Sunday*.

There was a cunning contrivance to chuse a fit time of that day, it was to be between the hours of nine and ten in the morning, that all or most of the *Protestant Ladies* might be at Church, and the Trick be over before their return, and that the Midwife *Mrs. Labany*, and the Favorite *Mrs. Tourain*, might have Freedom and Secrecy as they had to act their Parts in the bringing forth of a suppositious Prince.

The Room also that was chosen, wherein the Trick was to be acted, was fit for the purpose, and contrary to the Rules of *Common Prudence* to be chosen in a Case suspected for setting up a suppositious Child, and ought to have been avoided, if their meaning had been just and good; there was a private door within the Ruel of the Bed, into a Room, from whence a Child might be secretly brought, and put into the Bed, unseen by any that should attend in the *Queens* Room, tho' at the feet of the Bed (none of them coming into the Ruel) and by that Dore the three Confidants, the Midwife *Mrs. Labany* and *Mrs. Tourain* brought into her *Majesties* Bed what they pleased unseen.

If they had wanted no secreet conveyance by that Door, common prudence required that they had nailed or sealed it up to avoid Confirming and Increasing the *Kingdoms* just and known *jealousies* of imposing upon them a Counterfeit Prince, when it should be known, that there was such secret ways as made it so easy to be done by Confederation, undiscerned by others that were in the Room; but it appeared by the Event that the privy Door was so necessary for the designed Imposture, that all the transactions of it were managed by that Door, as is well known to all those Lords of the Council that were brought for a shew, not to see any thing that was done, but only to be seen in the Bed-Chamber with His Majesty, that their Names might be published to the People, as if they had been Witnesses of the *Queen*, being delivered of this pretended Prince.

The Civil Laws provided as a Rule of Common natural Equity, that when a Woman was to be delivered of a Posthume Child, that might defeat another appearing Heir, that the Chamber wherein she was to be delivered should have but one Door, and if there were more that they should be sealed up with the Seales of both Parties, and that keepers should be set at the single Door, and no Woman suffered to enter until she was searched in all kinds, that no Child might be conveyed to the Woman in her real or supposed Travel; and tho' we have no express Statute that gives direction in such Cases, yet our Common Law abhors all appearance of Fraud about Inheritances, and hath appointed twelve of the most able Neighbours to judg of all the Signs and Appearances of Fraud, and setting up Counterfeit Heirs, who may also judg upon presumptive Evidence, and reject any pretended Heir, where they see signs of Fraud and Imposture whereupon to ground their Judgment, and every one must at his peril take care that there be no grounds of suspicion given of a suppositious Heir.

We have faithfully shewed Your Highness what were the Preparations for her *Majesties* supposed time of Travel, wherein there appeared no Marks of an Intension to deal uprightly and openly with her *Royal Highness* as Heiress apparent of the *Crown*, and with the Subjects of the *Kingdom*, nor was there any natural signs that Her Majesty really feared or expected the common Sorrows, Pains and Danger of a Woman in Travel, or made any suitable provisions.

We cannot learn, that there was in readines so much as the usual Instruments of Midwives whereupon they commonly place all Women of quality in their time of Travel, that such Assistance may be given them by the *Matrons* and *Midwives*, as is not possible to be given on their knees, which is the Common posture of meaner Women, and least of all, as they lye in their Bed, which is seldom used until the length of the Travel, and Fainturs of strength enforce it. There being many natural Reasons for the Posture of the *Womans* Bodys helping them in their Travel.

Amongst other suitable Provisions, it had been certainly fit that a Colledge of *Physitians* had been called to attend somewhere near to Her Majesty, if She had not known there could be no need of them, and she being sure there could be no hour of danger to her self in a feigned Travel, nor any sudden need of *Physitians* Advice, or help to a strong lively supposed Prince, that was intended then to be brought forth.

As all the Preparations for her *Majesties* supposed time of Travel discovered to knowing and observing people that there was no reality in her pretences made of a great Belly, so the Fiction and Fraud was made more manifest when the Trick came to be acted.

Her Majesty lying in Bed with all the Curtains round, close drawn, all that was provided belonging naturally to a Child, and intended to be used by them, in their bringing forth the suppositious Prince, being prepared and ready within the inner Chamber, then Her *Majestys* feigned Travel began, and all these things were by the help of the Midwife, *Mrs. Labany* and *Mrs. Tourain* the Confederates brought throw the Door, in the Wall by the *Queens* Bed, and put between her Sheets, that is, a Child, and all that naturally attends a Birth, then the Midwife and the Confidants seemed very busie about her Majesty in the Dark, none seeing what they did, and being afraid, as appeared by the *Midwives* Words, that the Child, which was prepared to sleep, to prevent its crying before it was got into the Bed, should be stifled by the Closeness of the Bed, they were forced to hasten the *Queens* pretended Delivery even beyond what was reasonably to be believed, not-

withstanding all that could be said of the *Lady of Loretta*, or any other *Saints Assistance*, therefore the *Queens supposed deliverance* was in very short time.

But nothing appeared in *Her Majesty* like the real natural Travel of a Woman in Child bearing, there were none of the usual natural signs in *Her Majesty* of being in real Travel, which cannot be hidden, there was no appearance of an approaching Travel by various intermitting pangs usually very great by the Infants struggling to free it self of the Womb, no shew of the pains naturally and gradually increasing, as more of the Ligatures came to be broken, or rent, whereby every Infant is safely retained in the Womb, until its full growth and appointed time, there were no Signs of *Her Majesties* known Weakness in Bearing such pangs in her state of Body, debilitated with long lingering Infirmities, there were no signs of a violent Eruption of an untimely Birth from the Womb of eighth Months and four days, as *Her Majesty* then reported it to have been.

All that was to be feigned was suddenly dispatched, and the Midwife delivered something close covered to *Mrs. Labanye* which could be nothing but the Child they had put in, and went with it together through the Privy doore in the Ruel of the bed into the next Room in so great hast, that it was not considered how playnely it might discover that it was a meer feigned counterfeits travel of the *Queens* if the Midwife durst quit her attending, and assisting *her Majesty* in these moments, when there was the greatest Necessity of her skill, and assistance in her Office, and the most Extreme danger of *her Majesties* Life by any neglect of her if she had really brought forth any Child, as they were obliged to pretend.

Instead of faire open freedom in shewing that the *Queen* was really delivered of a Prince, which our Customs and Laws and natural Equity required, that all those works of nature might have been seen, and Testified by noble Matrons; their pretended Birth of a Prince, and all that they did about it was done in the dark, with the Curtaines close drawne round about the bed, and under the Coverings of it, and none of either sexe Permitted to see any thing done about *her Majesty*, or her supposed Child save only the confederates, no others of those in the bed Chamber, that drew as near as they might, were suffered to see what was taken out of the bed, being something wholly covered, and immediatly carried away by the private doore.

All hearkned after the common, and most constant natural signe of the Birth of a living Child, that is, its crying, but we are fully assured from divers Lords of the Council, and others that were in the bed Chamber, that the crying of a Child was heard by none there when the pretence was that a Child was borne, tho the Midwife would not at first say it was a Prince.

We have related to *Your Highnesses* no Circumstances but such as are notoriously known, or could be judicially proved before any impartial court of judicature, and therefore we will not offer to *Your Hs.* those Conjectures (tho we have them from good hands) of what was acted about the pretended Prince in the room from whence he was brought and to which he was caried before the Lords of the Council, or any others were told, that there was a Prince born, but we have it of certainty from those that were present, that during the whole fictitious travel of the *Queens*, and a considerable time after it, his Majesty kept those Lords of the Council, that were called, not far from the feet of *her Majesties* bed, that was close shut up, and they neither saw nor heard any thing about the Birth of the supposed Prince whereof they can be lawful Witnesses to the Kingdom, yet the actors of this whole Imposture had the confidence to publish forth-with to the Kingdom by authority, that those Lords and many Ladys of Quality were present at the *Queens* delivery of a Prince, equivocating therein like the Jesuites, and falsely insinuating to the People, that those Lords, and many Matrons of the Nobility had been such ocular Witnesses as our Laws require of the *Queens* being delivered of a Prince, whereas in truth all that were not of the Confederacy wayted to no more purpose then if they had been ten miles off her bed Chamber.

After long waiting his Majesty left them, and retired into the inner room where was *Mrs. Labanye* and the confidants with the supposed Prince, and it was soone after sayd to the Lords, that a Prince being borne there was no more need of them, whereupon several of them went away, and whatsoever was done in shewing a Child to those that stayd, was not worthy of our inquiry since it could be of no use to *Tours Highness* or the Kingdom.

Yet we carefully observed and inquired after the *Queens* supposed deliverance of a Prince, whether there were any natural demonstrable signes in *her Majesty* that she had newly borne a Child that had broke in way by Violence into the world before natures time as she then affirmed, some of us know well the usual and Necessary consequences of such force upon Nature in Women of such tenderness, and weakness as *her Majesties*, we Expected to have heard of her great weakness, and danger of her life by a fever that Commonly attends, such untimely Births, we inquired after the danger of *her Majesties* breasts by the usual redundancy of milk, because one had reported so long before that she had plenty of it in her breasts we employed Proper persons to aske what Woman had the Honor to draw her breasts, or whether any applications were made to her breasts to repel, or drye the milk, and also to aske after the good progresse of *her Majesty* in the natural Clensings that follows Child bearing, and of her strength in bearing these unavoidable consequences whereby all Women of *her Majesties* tenderness, and weakness are greatly debilitated, but we could never learne by our most diligent inquiry that there was any appearance of these natural Effects of Child-bearing, tho a good Dr. skil might have Easily feigned all those to the delusion of all about *her Majesties* court.

We have now given *Your Highness* an abstract of many of the Circumstances which we had Collected in this affair, and must freely affirm, that we cannot observe from the beginning to the end of it of



footstep of sincere playneſſe, all that hath been done therein from the *Queens pretended Conception* to her ſuppoſed *Delivery* of a *Prince*, hath ſhewed deſires, and intentions to hide the truth of thoſe natural things which they were obliged by the *Laws of England*, by *natural Juſtice*, and by their own *Honor and Intereſt* to have made demonſtrable or proveable by ſufficient Witneſſes to all the *Kingdom*, if there had been truth in their pretences.

There hath been ſuch a total neglect, ſlighting and diſregard of all the neceſſary rules of *Law* and *Juſtice* about needful Witneſſes of the Birth of a *Prince* and *Heyre* to the *Crowne* (when they knew that moſt of the *Kingdom* ſuſpected their ſetting up a *Counterfeit*) that it looks like a contempt of *Your Highneſſe* and the whole *Kingdom*, as if no ſatisfaction were due to her *R. Highneſſe* in her admiſſion of an heyre to the *Crowne* before her, nor to the *Kingdom* in their acknowledgment of a *Prince* to be the next ſucceſſor to the *Crown*.

The moſt modeſt Judgment we can make of it, is to think that a blind zeale (always nourish'd by the *Romiſh Church*) to ſettle a *Popiſh Succeſſor*, hath made them break through all the rules of righteouſneſſe and ſtifle and extinguish all the natural affections of a *Father* to a *Child*, to do a ſervice to their *Church* that is by their *Doctrin* ſo meritorious.

*Yours Highneſſe* will the better Conſider all theſe circumſtances mentioned if you will pleaſe to call to mind the occaſion and time when this deſign was firſt reſolved to ſet up a *Prince* to bar her *R. Hs.* of the immediate ſucceſſion to the *Crown*.

Be pleaſed to remember that tis before obſerved, that the going to the *Bath*, and the viſit to *St. Wifreds Well*, and the Preſent made to the *Lady* were preparations for a report of the *Queens* being with *Child*, and were all concluded upon about the end of *Auguſt* and beginning of *Septemb.* 1687. and then was your *Highneſſe* compliance with the *Popiſh deſigne* deſpayred of.

The abſtract of Mr. *Stewards* Letters to *Mijn Heer Fagel*, which we juſt now find printed, confirms all our memorials in that Matter. He was *Pardoned and choſen* by the *King* to have perſwaded your *Highneſſe* to a conſent that the *Penal Laws* and *Teſt* ſhould be repeal'd which had been a full eſtabliſhment of *Popery*, in his two firſt Letters of *July* he ſeeks to perſwade your *Hſe* that the *King* was reſolved to preſerve, and obſerve the true right of ſucceſſion to the *Crowne*, and was very deſirous of your *Hſe* conſent and concurrence in his deſign, and troubled to find them ſo averſe from it: in his next Letters of the ſame *July* he preſſed that your *Highneſſe* ſhould have been diſpoſed to hearken to a well choſen informer to be ſent by his *Majeſty* to perſwade your concurrence with him, and he preſſeth extremly for a haſty Answer, the new Councils for ſetting up a *Suppoſitious Prince* ſeem then to have been begun.

That Letter ſeems to threaten what we now ſee if your *Highneſſe* reſuſed; he doubled his aſſurances to him that was to ſolicit your *Highneſſe* that if you were obſtinate (as they call it) it will be fatal to the diſſenters, and be feared productive of iſs yet unheard off: and his Letter of *Auguſt.* 5. ſeems to give your *Highneſſe* your laſt time to chuſe the Settlement of *Popery*, or to reſolve to be true to the *Proteſtant Religion*.

He ſays, if your *Highneſſe* did what was deſired by the *King*, it was the beſt ſervice to the *Proteſtants*, the higheſt obligation on his *Majeſty* and the greateſt advancement of your own intereſt, that you could think on; but if not, then all is contrary. There can be no other meaning, in ſaying if your *Highneſſes* reſuſed, all is contrary, ſave only this. that the *Proteſtants* ſhould then have no *Mercy* from the *Papiſts*; His *Majeſty* would be ſo offended that he would become your *Highneſſe* Enemy; and it would be the loſſe of your *Highneſſe* greateſt Intereſt, that you can think on, which certainly could be no other then the juſt expectation of the *three Kingdoms*.

As theſe Letters threaten that the *K.* would deſtroy your *Highneſſe* greateſt Intereſt if you reſuſed, ſo the attempt of it ſoon after appeared.

Its now known that in *September* and *October* the Reſolutions were taken to publiſh that the *Queen* was with *Child*, but before it was publickly declared, that is *October* 8. Mr. *Steward* ſays, he would uſe no more Arguments to your *Hſe*, but he then laments Your *Highneſſes* loſs of the time of compliance: Alas, ſaid he, that *Providence* ſhould not be underſtood. Then in *Novbr.* he ſpeaks more plainly (notwithſtanding your *Hſe* moderation towards the *Papiſts* and their Liberty was ſhewen by *Mijn Heer Fagel's* Letter, he ſays that all hope of your *Hſe* concurrence in the *Kings* deſign was quite given over, and men were become as cold in it there as your *Hſe* were poſitive here: and upon his new Conference with the *King*, he not only ſhews the *Kings* diſlike of that Letter, but ſays expreſſly, That your *Hſe* answer was too long delayd, and that the *King* was quite over that matter. There can be no other reaſonable Conſtruction of this, then that the *King* had then reſolved of another way to proſecute the *Popiſh Deſign*, and time hath now ſhewn and proved to the World that the way reſolved on was to ſet up this *Suppoſitious Prince* for a *Popiſh Succeſſor*.

Theſe Letters by the help of time ſhew the deſign when it was in *Embrio*, and helps to make a Judgment upon all the other Circumſtances that we have mentioned; and no doubt if an Evidence made up of all the Circumſtances we have mentioned, in their Order and Connexion were given to any impartial Judges, it would be judged as ſtrong a preſumptive Evidence as ever was given, and in the proceedings of our *Laws* againſt *Criminals*, Judgment hath paſſed againſt the lives of many upon far leſs Evidence, this being as full as the matter of the thing can poſſibly ſuffer in your *Hſe* and the *Kingdoms* Caſe.

But notwithſtanding this Sort of Circumſtantial Evidence be ſufficiently forcible and convincing to diſinterreſted perſons, to prove this ſuppoſed *Prince* to be an *Impoſtor*, and it may be more Circumſtances of the ſame nature are known to Your *Highneſſe*, yet we muſt humbly pray Your *Highneſſe* to wave inſiſting upon any

of them, as entirely, as if you could neither prove nor know more about this *pretended Prince* then common Fame hath proclaimed without Contradiction.

It no ways belongs to *Your Highnesses*, nor to the *Kingdom*, to prove the *Falschood of his pretences*, or any Circumstance about his Birth, and it would be very prejudicial for *Your Highness*, to take upon you the burden of producing Witnesses and proofs, and admitting Your Highness Adversaries to dispute their force and sufficiency, when it belongs to them wholly and only, to bring forth such lawful Witnesses in due numbers as may satisfy *your Highness* and the *Kingdom* of the Truth of their Pretences; and 'tis an infinite wrong to *your Highness* and the *Kingdom*, that they have not done it long since, if there had been a *true Prince* born of the *Queen*.

Since 'tis the *Kingdoms* great concern as well as *your Highnesses*, we are the bolder to propose that the Method of defence against the publick injury be made according to the known Laws and Customs of *England*; that is, That an open free demand be made in the name of her *R. Hs.* as *Heiress apparent* of the *Crown*, and in behalf of all the People of the Realm, that there be forthwith declared and published to the *Kingdom* a sufficient Number for this Case, of lawful Witnesses of either Sex, such as the *Laws of England* and *Natural Justice* require in the Case, who do testify, that according to the usual Practice of their respective Sexes at the Birth of *Princes*, *Heirs to Crowns*, they were Eye Witnesses that the Child now called the *Prince of Wales* was naturally born of the *Queens Body*.

'Tis but just, regular, and modest for *your Hs.* to make that Demand, and your insisting upon it to be done immediately, without the least delay, and is no more then the Right of *your Hs.* and the *Kingdom*, that must be contested by all that either know the Rules of natural Justice or the *Laws of England*: Our Laws require and Demand an entry to be made upon all Intruders into the Rights or Inheritances of another, there ought to be Legal Interruptions made of all wrongful possessions however obtained. A long permission of an *illegitimate Child* to pass for a *legitimate Heir*, is of dangerous Consequence to the *true Heir* of an inheritance; 'tis a known Rule both in our *English Laws*, and the *Civil Laws*, *Tacens longo tempore presumitur consentire*, he that remains long without answering any thing to an Intruders claim, seems to allow it.

We crave pardon that we must freely tell your *Hs.* that it hath been our astonishment that your *Hs.* have been so long silent, and have deferred to make your just demand, and that you have so long suffered her *R. Hs.* *Chaplins* to pray publickly for this *supposed Prince of Wales*.

Your *Hs.* heart cannot desire the God of truth and righteousness to prosper such an invasion of your own and the *Kingdoms* rights, nor to *blesse the imposture* as such, being set up (tho' an innocent Child) to be a tool in the hands of others to destroy the *Protestant Profession*, your *Hs.* claims to the greatest inheritance, and the best Civil Government known in the World. We believe your *Hs.* to be true *Christians*, that tremble in the Worship and prayers before the Eternal Majesty, and therefore hope such a shew of owning him will not be longer suffered to be acted before the great God that *searcheth all the hearts of Princes and Subjects*.

If your *Hs.* shall first make this legal demand proposed, and Satisfaction therein be not given by the maintainers of the *supposed Prince*, without delay, then natural justice and our laws dictate, that your *Hs.* demand a retraction by the *Publick Ministers* of the *King* in all *Christian Kingdoms and States*, of the false news they have Published of the birth of a *Prince of Wales*, and their Vindication of her *R. Hs.* right apparent to the *next Succession* of the *Crown*.

When a wrongfull claymer to be heyr of any inheritance cannot prove his true descent, the Court wherein he sues his Clayme, not only rejects and damns his false pretences, but openly declares the Counterfeit tricks or forgerys that they observe to have been attempted to support the false clayme, and our Laws enable the heyr that hath been disturbed, to demand by his action against the false pretender, Satisfaction for the *Scandal of his lawfull title*, and our laws further require his prosecution for justice against all the known confederates in that intended wrong and fraud, for their Severall Crimes therein committed.

We are sensible, that most *Casholick Princes* have a prejudice to us in the rights we Clayme as *English Protestants*, not knowing our Laws and Libertys, and we have therefore proposed these two demands to be first in order made by your *Hs.* in the behalf of her *R. Hs.* and the *Kingdom*, that we might convince them that we have reason and justice according to their own Laws and rules of right to seek your *Hs.* Protection against the *Kings practices* (as they yet appear) in forcing us to stoop to a *Counterfeit Prince*, and to change the *Succession* of the *Crown* and the *whole Government*, Your *Hs.* having therein a joint concern with us, and our Laws, and nature it self, call upon you to defend your own and the *Kingdoms* right, to preserve the *Succession* of the *Crown* as it is by the Laws established, which the *King* had no *presence of Power* to Change,

But we must also humbly fly to your *Hs.* to protect us against the horrible destruction made by the *King* of all our *Laws* for the Reformation of our *Christian Religion*, and our Security against the open Professed and mortal Enemies of our Liberties therein, the *King* having declared to the World, that those *Laws* shall never hereafter be put in Execution; and to make our Case therein desperate, hath caused his Judges to justify him in what he hath done.

We must also pray your *Hs.* help against his invasion of all our *Civil Rights* and *Fundamental Liberties*, and his utter subversion of the free Government of *England* by its antient Customs and Laws.

We cannot doubt but your *Hs.* will be convinced by this Memorial that we have not complained of our oppressions until they are become intolerable, nor sought any relief (save from God alone) until your High-



ness justly expected inheritance, and the very being of our Civil Government are in the most extream danger of utter ruin.

We are and have been truly *Loyal* to the *King*, and never refused obedience to any of his legal Commands, or any whatsoever that could consist with all our other Duties to *God* and our fellow *Subjects*. We have been content to suffer personal wrongs and manifest Injustice, and considered the Corruption of Men, that abuses and particular wrongs will happen in all Governments, and ought patiently to be born, whilst the Fundamentals of Civil Government and Justice are Sacredly preserved. Our Christian Charity taught us that 'tis better that a few suffer wrongs, then to hazard for their just relief more effusion of Blood, or other mischiefs then can be recompensed by their obtaining Right. We know the *Jesuites* crafts might have clouded the Justice that might have been demanded in particular cases, and we have therefore staid until the Justice of what we pray, is become demonstrable unto all that are not corruptly and wilfully blind, or led blindfold by the *Jesuites* or their *Romish Priests*.

We are sensible that the *King* hath used the Name of the *Royal Authority* and *prerogative* in all the *lawful powers* that he hath exercised, and we durst not pray your *Hs.* aid against his doings, if there could be reasonably any doubt or question, whether the things he hath done and dayly doth might be authorized by the *Royal powers* and *high prerogatives* which belong to the *Kings* of *England*.

'Tis most unquestionable, that the *Noble English Monarchy* and *Government* had a *legal Foundation*, and was and is established upon *Customs*, *Franchises* and *Laws peculiar* to the *English Nation*. It was always free and independent upon all the *Powers* and *Potentates* on Earth; the *Kings* and the *People* are, and of right were always free and absolute to bind themselves by their own *Laws*, made by their joint consent, and not otherwise; they could never be bound by any others then themselves, save only by the *Laws* of the *most high God*.

A *King* of *England* ceaseth to act by the *English Kingly Authority*; or as a *King* of *England*, if he yield up himself or his Subjects to be bound or subjected to any other *Laws*, *Canons* or *Jurisdictions*, then such as are made or freely received by the mutual agreement of the *King* and the representative Body of the Realm in *Parliament*.

'Tis declared in the *Stat.* 16 *R. 2.* 5. that the *Crown* of *England* had been so free at all times, that it hath been in Subjection to no Realm, and that the same ought not in any thing touching the regality to be submitted to the *Bishop* of *Rome*, nor the *Laws* and *Statutes* of the Realm to be by him frustrated or defeated at his Will to the perpetual destruction of the *Kings* *Sovereignty*, *Crown* and *Regality*, and of all the Realm. The *Commons* then prayed the *King*, and him required by way of Justice to examin all the States of the Realm how they would stand to defend the Rights of the *Crown* and the *Realm* against the *Pope*, and it was thereupon ordained, that all that should pursue or bring any *Bulls* or Instruments from *Rome* against the *Kings* *Legality* or his Realm, should be put out of the *Kings* Protection, and incur a *premunire*, which as the Law then made it lawful for any man to kill them.

Likewise the *Stat.* of 24 *H. 8.* 12. and 25 *H. 8.* 21. say, that the Realm hath been, and is free from Subjection to mans *Laws*, but only to such as have been devised and made within the same for its own welfar or for their free Liberty received by their consent to them.

The *King* and *Parliament* neer four hundred yeares since were so resolute to defend the Rights and Freedoms of the *Crown* and the *Realm* against the Imposition of the *Popes Canons* and the *Jurisdictions* and powers which he attempted to exercise, that notwithstanding they were *Papists*, yet they by the *Stat.* of 18. *Ed.* 3. c. 1. *Rot. Parliament.* num. 38. declared the *Pope* to be the common Enemy to the *King* and the *Realm*, and so he stands now declared, and to the like purpose is the *Role Parliament* 17 *Ed.* 3. num. 59. Tho these statutes are not printed, their force is the same to make them to fall into the Condition of Enemies to the *Kingdom* that correspond with him or his *Nuntio*.

It never was in the Power of any *King* of *England* to yeeld up or submit the Rights of the *Crown* and the *Realm*, and its *Laws*, powers or *Jurisdictions* of any sort against the Will of the Realm in *Parliament*, so it was confessed 500 yeares since *K. H. 6.* in his Letter to *Pope* *Paschal*, *Notum habeat sanctitus vestra quod me vivente auxiliante Deo,* dignitates & usus regni nostri *Anglia* non imminuentur, & si ego (quod absit) in tanta me dejectione ponerem *Magnates mei* & totius *Anglia* populus nullo modo pateretur. Be it known (said he) to your holiness, that whilst I live (by Gods assistance) the *Authorities* and *usages* of the *Kingdom* of *England* shall never be diminished, but if I would so debase my self (which God forbid) my *Nobles* and the whole *People* of *England* would by no means suffer it.

*King John* indeed unworthily surrendered the *Crown* and regalities to *Pope Innocent* third; and his Successors, and the *Priest* falsely put into that Charter that it was by the consent of his Council of *Barrons*, he submitted to hold the *Kingdom* of the *Pope*, and that by yearly rent again; but when *Pope Gregory* the tenth in the third of *Ed.* 1. sent for that pretended Rent, that *Noble Prince* justly answered, that he was bound by his Oath in his Coronation, to preserve the Rites of the *King*. See *Roll. Clar.* 3. *Ed.* num. 9. Shed from untouched, and that he could do nothing that concerned the *Crown* without the advice of the people in *Parliament*, which are there called *proceres*. See *Cooks Inst.* fo. 13.

In the 40 *Edward the Third*, the *Pope* demanded the same Rents, and the *King* proposed it in *Parliament*, but they declared, that neither *King John* nor any other *King* had any power to put himself or the Realm and people into subjection to the *Pope* without their consent in *Parliament*, and that if it were done by *King John*, it was done contrary to his Oath in his Coronation, and if the *Pope* attempted any thing thereupon against the *King* or his Subjects, they would resist him to their utmost power.

The same *King Edward* the third had only negligently suffered the *Popes* power to be too much used in the *Kingdom*, contrary to the Statute of *Carlisle* 35 *Ed.* 1. as appears by the *Parliament Roll* 17. *Ed.* 3. num. 59. and

and the Commons in *Parliament* complained that the Treasure of the Realm was transported to *Rome*, and the Secrets of the Realm discovered by the Forraign Priests sent hither, and they required of the *King* some Mercy for that they neither could nor would any longer bear those strong oppressions, or else that he would help them to expel out of this Realm the *Popes* power by force, and thereupon were enacted against many of the *Popes* powers in this Realm those severe penal laws, of 25 Ed. 3. 27 Ed. 3. 1. 38 Ed. 3, Sta. 2. ch. 1. all which our *King* hath now declared shall never hereafter be put in Execution.

That *Victorious Prince* Ed. 3. tho a *Papist*, yet pretended to no *Regal prerogative* of suspending the laws made by the *Kings* and *Parliaments* against the *Pope*, he Confesseth in that Statute, of 35 Ed. 1. against the *Popes* power, that it held its force being not annulled by *Parliament*, and therefore he was bound by his Oath to see the same kept as a law of the Realm tho that by sufferance and negligence it had been attempted to the Contrary.

If the Effects of the *Romish Jurisdictions* in the Realm were looked upon as they are related in that 38 Ed. 3. 1. It would be manifest that the *King* that would put the *Kingdom* into such a state, Lays aside thereby his *Kingly Office* and dignity whilst he pursues these intentions; that statute saith, that by the power exercised by the *Pope* and Court of *Rome*, and the Dependants thereof, the good antient *Laws*, *Customes* and *Franchises* of the Realm were greatly impeached, blemished, and confounded; the *Crown* abated, the Treasure and Riches of the Realm carried away, the *Inhabitants* and Subjects of the Realm impoverished and troubled, and the great men and Commons in Bodys and Goods damnified; surely there can be no doubt whether the *King* hath any *Royal Prerogative* to enable him either to stop the Execution of these *Penal Laws* that prevent the *Kingdom* from falling back into such a forlorn Estate, or to attempt by pretence of *Liberty of Conscience* for the *Romish Priests* and *Emissaries*, and their Practices to enable them to work all the mischief they can against those that would save the *Kingdom* from such Miseries.

Your Highnesses may be absolutely certain, that the *King* acts not by vertue of the *English Regal Office* or *Prerogatives*, in his authorizing *Treasons* to be dayly committed against the Realm by the Statute of 13 Eliz. 2. they that give or receive any Absolution or Reconciliation to *Rome* by the *Popes* Authority, or any of his *Priests* which the *King* licenteth and authorizeth to be done continually, those are declared high Traitors to the *King* and the Realm, and no doubt *Treasons* declared by a Statute against the Realm are common nufances of the highest Nature and mischief; 'tis the trust of the *Regal Office* to prevent and punish them, and 'tis directly Contrary to the *Kingly Office* to assume power to authorize or licence such Crimes.

'Tis Unquestionable that no *King* of *England* ever had power to grant Offices to persons disabled to bear them by positive and direct acts of *Parliament* made for that very purpose, and declared to be for the peoples security; nevertheless the *King* hath put most of the Offices of the *Kingdom* in the hands of those that are so disabled.

It is as certain it never was in the power of our *Kings* to dispossess at their Wills any of the subjects of those interests and profits which they had for their lives; nor to Commission any to judge his Subjects finally in matters criminal or civil by their discretion without any regard to the *Laws*, *Customs* and priviledges of the Realm.

These and many other powers exerted by the *King*, which we might name to your Hs. are not the actings of an *English legal Monarch*; but an assumed *Despotical power* over the persons, the Liberties and Interests of the Subjects, as if he alone had at least the property paramount in all their persons and their Interests, which in all civil Governments belongs only to the *Lawful Legislators*; and as if the people of *England* were tenants of his meer will to what they have and had no right nor Interest in their *Laws*, *Customs* or *Franchises*, nor any Justice to demand the benefit of them.

Nothing can compleat his Majestys renuntiation of the Trusts and Obligation of the *English Regal Office* save only that he assumes (as he now doth actually) to take from the *Citys* and *Boroughs* intirely all their *Customes* and *Priviledges* and free Election of their *Magistrates*, confirmed to them expressly by the great *Charter*, and many other *Laws*; and that he deprives all the rest of the people of their Liberty to chuse such persons as they please according to the statutes to Consent for them to the *Laws* that shall bind them their Estates and lives, as he hath declared he will, and intends and is every day doing, and then the antient *rightful* and *Free English Government* will be manifestly and intirely dissolved, and *Englishmen* shall have no *Legal* right to their *Estates*, their *Wives* and *Children*, or their *Lives*.

There will be then no legal *English Monarchy* in *England*, trusted by the *Laws* with high *Royal prerogatives* for the joynt safety and benefit of the *King* and the subjects, acknowledging themselves to be bound by an oath to maintain the *Customes* *Laws* and *Franchises* of the Realm; and to take *Continuall care* for the Execution of the *Laws* impartially; for that purpose Every man shall then have equal and eternal right to every thing as this *King* will and his *Popish forces* shall dispose of it, and so long only as he shall please to continue in the same mind with the same force.

'Tis with bleeding hearts that in this manifest extream oppression and danger we beg your Highnesses aid to defend the rights of the *Crown* and the Realm.

There can be no question of your Hs. right to defend the same, the *Legal Monarchy* and Government by our antient *Customs*, *Laws* and *Franchises*, to save the antient *Penal Laws* against the *Popes Usurpations*, and the *later Laws* for the Reformation of our Religion from *Popery*, and to preserve the special *Customs*, and *Priviledges* of the *Citys* and *Boroughs*, as well as the General customs of the *Kingdom*, our *Customs* and *Laws* only have vested in your Hs. the next right Expectant of the *English Crown*, [and if no Prince shall be born



born, *Rege etiam remittente*,] tho the King shall do all thats possible for him to hinder you.

If you suffer them to be destroyed, or to be disused and deemed to be of no force but as the King shall please by his *Judges* and *Courts*, and by all that he shall possess of the Power of the Kingdom, Your *Highnesses* *clayme* and *rights Expectant* of the *Crowne* is in like manner destroyed, and set aside; and the whole arbitrary Magistracy serving his will and all his *Popish* *forces*, *forraigners* and *Natives*, will be Ingaged in Interest and misguided Conscience to oppose Your Highnesses claim; by the Laws and Customs of *England* there will be indeed in the state to which the King hath brought the Kingdom no legal *Magistrates* nor *Government* in being and use unto which her *Royal Highness* can immediately succeed according to the Customs and Laws of *England*; the Kingdom must be a Confused multitude, and the strongest may subdue the rest to their will.

As Your Highnesses have a right to save the government by reason of your great Interest in it, so all the People have an unquestionable right to seek Your Highnesses aid therein, and tis one of their Principal duties of the Christian Religion, and will be one of the best outward Expressions of their love to God and *Jesus Christ* to assist your Hs. in all your righteous ways, detending their just *Civil Government*, being instituted by God for preserving Justice amongst humane societys.

The People that love their neighbours, and Countrys, as Christian Religion Commands, ought not carelessly nor irreligiously to suffer their Civil Government, their Laws, and all their rights and Interest that their Countrey hold by them for themselves and posterities to be destroyed by any mans will, superstition or ambition.

He that was at first a legal *Supream Magistrate*, and ought to have been obeyed if he would have so Continued, tho he had done many injustices to particular Persons, he may cast off the quality and use of the powers of a legal *supream Magistrate*, and use and exercise power destructive to all the legal *Trusts* and *Office*; and then he devests himself of that *Office* and *Trust* of a *lawful Magistracy* unto which the Laws of God and the Kingdom require obedience.

The ancient *Kings* of *England*, acknowledged the Peoples right to save their *Free Government* if any of the *Kings themselves* would have dishonorably parted with the rights of the *Crown* and the *Realm*, we mention the Letter of H. 1. to the *Pope*, and that great Prince *Ed. 1.* on the like occasion of power claymed by the *Pope*, not only writ to the *Pope* to the same Effect as H. 1. did, but by his consent Letters were written to *Pope Boniface* by the Lords and Commons in *Parliament*, wherein they told the *Pope*, that they were bound by oath to the observation and defence of their *Liberty*, *Customs* and *ancient Laws*, and would maintain them with all their Power and force, and that they neither did nor ever would, could or ought to suffer the King tho he would, to do, or any ways attempt what the *Pope* desired Contrary to their Customs since it would be to the destruction of the Right of the *Crown* of *England* and the *Kingly dignity*, and the subversion of the Statutes of the Kingdom, and prejudice of their ancient *Liberties*, *Customs* and *Laws*.

Since then your Hs. have an undoubted right to interpose between the King and us in your own and the Kingdoms behalf, to save our ancient legal Government, and in special our Laws for the reformation of our *Christian Religion*, we humbly offer, that besides the former demands about the *supposed Prince* your Hs. will please to demand and insist immovable.

Rot Parliament  
28 Ed. 1. see  
Cooks instituti  
2. fol. 98.

That the ancient *free Government* of *England* by its own *Customs* and *Laws* only made, or approved in *Parliament* be immediately restored in all the parts of it through the Kingdom, that is, that the rights of the *Crowne* and freedom of the Realm be forthwith vindicated from all the *submissions* publicly made to the *Pope* by the King that now is, to the dishonor and abasement of the *English Crown*, and realm, and from all the claymes made by the *Romish Church* of any Powers and Jurisdctions whatsoever over the Christians, or Church in *England*.

That all the Laws now in force against the admission of the Cannons, and Jurisdiction of Rome, Contrary to our Customs and Laws, and against the maintainers of them be forthwith declared to be put in due Execution, and all suspensions of them, or dispensations with them without the Authority of *Parliament*, be declared nul and void.

That the *Ancient Customs*, *Liberties* and *Priviledges* for the *City of London*, and the whole form and Course of its Government, be forthwith restored, the Customs thereof being part of the *Common Law* of *England*, and its Liberties be Established by the great *Charter*, and many *Acts of Parliament*, that the *Customs*, *free Election* of their *Magistrates*, and all the *Priviledges* of all the *Cities* and *Boroughs* of *England* confirmed by the greater *Charter*, and other Laws be duly restored.

That legal Officers both Civil and Millitary, be settled in all the Places of Magistracy, and all the Commands throughout the Kingdom.

That all Commissions whatsoever be forthwith revoked, and declared null and Void whereby are granted any powers of Discretion over the Persons, or Interest of the subjects Contrary to the Laws and Customs of *England*, Especially the Commission for *Ecclesiastical affairs*, with its Monstrous, *non obstante* to all our Laws.

That the freedom of Elections, which is the foundation of the Government, be duely vindicated, and all the most unworthy preingagements revoked, and renounced to Elect and Vote as the King would have them.

That the Kingdom may be restored as soon as possible to a capacity of holding a legal *Parliament*, in such form and Manner as the Laws require; by whose help the Civil Government may be reestablished, and force and arbitrary powers therein utterly abolished.

We crave your *Highness Pardon*, that we further humbly offer to your *Highnesses*, that time and accident always made Changes in the usefulness of Laws, and that it hath so happened in our *Penal Laws* made for Uniformity in the profession of faith, and in the outward Worship of God; four of our succeeding

*Parliaments* perceived the abuse of these *Laws*, and the mischief thereby to Conscience Christians, and Declared their intention of relieving them if the King would have permitted them, yet they endeavoured to stop the execution of them, and desired a settlement of liberty of Conscience as is due to Christians.

In these regards and the Subversion of the whole Government since made necessity and charity may have the force of Laws to enforce the stay of the Execution of some of those Laws for conformity until those Matters may be settled in *Parliaments*.

We therefore humbly pray *your Highnesses* to procure as a case of Necessity that none be disturbed until a *legal Parliament* shall have resolved the case for the profession of their faith in Matters merely supernatural, or the outward expression of their Worship so as both terminate only in God, and neither wrong nor hurt any man on Earth in Body, Goods, and good name, but their own souls only if they be mistaken therein.

We now most humbly submit our selves and all herein contained to *your Highnesses Wisdom, Candor and Charity*, and shall pray the just and great God to fill your noble Souls with perfect love and *Wisdom*, and all the most resplendent virtues that are fit to Shine in the highest Thrones and power that ever the Sun beheld.

So The Character we have had of *your Worth*, makes us confident of *your Faithfulness* to deliver the inclosed forthwith to His Highness the Prince of Orange, or in his absence to her Royal Hs. the Princess; we could not trust it by the Post, and therefore have sent it by an Express, which may perhaps make it longer in coming; the Messengers only order is to deliver it to one of your Servants, and we confide in your integrity, and remain

To Monsieur, Monsieur Benting,  
at the Hague.

SIR, Your most humble Servants,  
whom you may hereafter know.

F I N I S.